



ATTORNEY
DOCKET NO. 2799CIP

Handwritten initials and marks.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Timothy A. Barton)
SERIAL NO.: 09/557,822) Group No. 3744
FILED: April 25, 2000) Examiner: M. Norman
FOR: System & Method of Marketing)
Over Computer Networks)

TRANSMITTAL OF APPEAL BRIEF
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
UNDER 37 CFR 1.136(a)

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted Herewith is a Transmittal of Appeal Brief (including Exhibits A-J) to the Board of Patent Appeals and Interferences under the provisions of 37 CFR 1.136(a) including:

- 1. A request for a four month extension of time is hereby requested in filing the Appeal Brief.
- 2. Amendment after Final

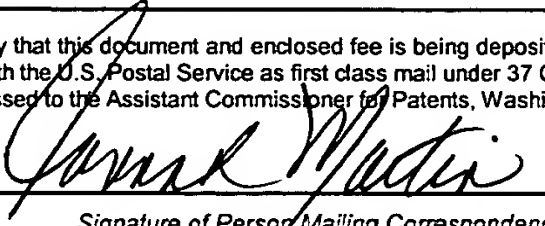
The fee for the Appeal Brief has been calculated as shown below:

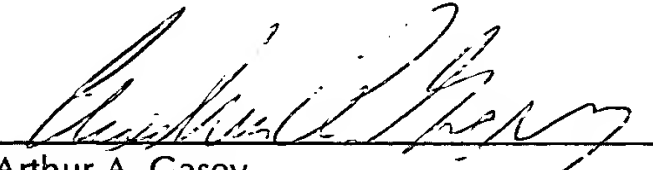
Fee for Appeal Brief:	\$ 250.00
Extension fee	\$ 795.00
TOTAL FEE FOR APPEAL BRIEF:	\$ 1,045.00

- ☒ The commissioner is hereby authorized to charge any filing fees associated with this communication or credit any overpayment to our Deposit Account No. 14-1131.
- ☒ If additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 14-1131. (A duplicate copy of this sheet is enclosed.)

This Transmittal of Appeal Brief to the Board of Patent Appeals and Interferences and under 37 CFR 1.136(a) is respectfully submitted by the undersigned:

I certify that this document and enclosed fee is being deposited on August 8, 2006 in the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington DC 20231


Signature of Person Mailing Correspondence
Hannah Martin


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BEST AVAILABLE COPY



IN THE BOARD OF PATENT APPEALS AND INTERFERENCES

IN THE APPLICATION OF:

TIMOTHY A. BARTON

SERIAL NO.: 09/557,822

FILED: April 25, 2000

FOR: SYSTEM AND METHOD FOR
MARKETING OVER COMPUTER
NETWORK

)
)
) Group Art Unit 3744
)
)

) Examiner: M. Norman
)
)

) Atty Docket No. 2799 CIP
)
)

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

APPEAL BRIEF

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BRIEF ON APPEAL

I. INTRODUCTION

This is an appeal brief in response to the final rejection dated August 8, 2005 (Exhibit A) and is in furtherance of the Notice of Appeal mailed February 8, 2006 (Exhibit B).

II. REAL PARTY IN INTEREST

The real party in interest is Freightquote LLC.

III. RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences known to Appellant relevant to these proceedings.

IV. STATUS OF CLAIMS

The Examiner's Office Action of November 3, 2004 rejected claims 22-28 and 34-37, with claims 34-37 being rejected under 35 U.S.C. §112, ¶ 2, as indefinite for presenting "method claims depending from a base apparatus claim." (Exhibit A at p. 3). Claims 22-28 were rejected under 35 U.S.C. §103(a) as "being unpatentable over the FedEx system . . . and further in view of the FedEx system in view of Viking Freight. . . and further in view of De La Motte et al. [US Patent App. Pub. US2003/0014318]." (Exhibit A at p. 5).

Claims 1-21, 25-33 and 38-43 are no longer in the case, having been canceled without prejudice to raise in later prosecution. As explained in section V, below, this appeal is taken solely with respect to claims 22-24, which are recited in the Claims Appendix.

V. STATUS OF AMENDMENTS

On February 8, 2006, Applicant filed an Amendment under 37 C.F.R. 1.116. In that amendment, the Applicant clarified the indefiniteness rejection of claims 34-37, and cancelled claim 25, adding the limitation of that claim to claim 22. (Exhibit C). In response, the Examiner filed an Advisory Action entering the amendment, indicating that claims 34-37 (within the grouping of claims 29-43) were deemed withdrawn from consideration, that claims 22-24 were allowed, but that claims 26-28 were still rejected. (Exhibit D). After a mistaken notice of abandonment (Exhibit E), to which the Applicant promptly submitted a petition to rescind abandonment (Exhibit F), the Examiner filed a Supplemental Advisory Action (Exhibit G) indicating that claims 22-24 would be allowable if a timely Amendment were filed which cancelled claims 26-28. Applicant has prepared and filed herewith an Amendment cancelling such claims. (Exhibit H) In other words, the claims on appeal (claims 22-24) are those which the Examiner has deemed allowed or allowable in his advisory actions.

VI. SUMMARY OF CLAIMED SUBJECT MATTER

The invention embodied in pending claims concerns a system for reducing errors in ordering freight services. (Exhibit. I; Specification at p. 21, lines 8-17). Often times when a user orders freight services, a wide variety of accessorial services may be ordered at extra cost. (Exhibit I; Specification at p. 21, lines 1-7). Such accessorial services may include, but are not limited to, arrival notification, construction site delivery, inside delivery, liftgate service, residential delivery, residential pickup, and Saturday pickup. (Ex. I; Figure 7).

Given the many different options available, it is not surprising that errors arise in the proper selection of the accessorial service or in the billing of the service. In fact, errors are so commonplace that there is an entire service industry devoted to auditing these types of errors. (Exhibit I; Specification at p. 21, lines 1-7).

To reduce customer related input errors from occurring, as set forth in claim 22, the present invention claims a system for ordering freight services from any internet connected computer comprising a server computer system, which includes: (i) page(s) which allow a user to enter a freight delivery service request including at least source and destination zip codes, class, weight and accessorial services (see, e.g., Exhibit I, Figures 5, 5A, 6, 6A and 7); (ii) page(s) which allow a user to schedule a shipment including at least a shipping and receiving address, a ready date, invoice information and member discount information (See, e.g., Exhibit I, Figures 8, 8A and 9); (iii) page(s) which permit a user to review status of shipments made by the user (see, e.g., Exhibit I and p. 25, lines 5-16); (iv) page(s) which permit a user to obtain actual quotes for shipping from a plurality of carriers (Exhibit I, page 8, line 20- page 9, line 4); (v) a database of accessorial services offered in conjunction with a freight shipment process, the freight shipment process including quoting, ordering and completing the shipment (see, e.g., Exhibit I, page 20, lines 13-21); and (vi) a web site with web page(s) sequentially displaying a plurality of accessorial services and requiring the user to address each of said accessorial services offered to accept or decline each of the accessorial services before completing the freight ordering services to provide an accurate quote. (See, e.g., Exhibit I, Figure 7, and page 22, lines 1-3)

By so requiring the user to address the accessorial services offered, Applicant has found that billing errors may be reduced, thus providing a more accurate quote. (Ex. I; Specification at p. 21, lines 15-17).

VII. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 22-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over the FedEx system, and further in view of the FedEx system in view of Viking Freight, and further in view of De La Motte et al. (US Patent App. Pub. US2003/0014318). (Exhibit A at p. 5). However, the Examiner's Advisory and Supplemental Advisory Action (Exhibits D and G) indicate that such claims are allowed and/or would be allowed if an Amendment were filed deleting claims 26-28. While Applicant has so deleted those claims, in an abundance of caution, Applicant submits the following argument.

VIII. ARGUMENT

The examiner rejected claims 22-28 under 35 U.S.C. 103(a) as being unpatentable over the FedEx system and in view of Viking Freight and De La Motte et al. As noted above, Applicant has dropped claims 26-28 from further consideration without prejudice to raise in later prosecution, and cancelled claim 25 while incorporating the limitations of that claim into claim 22. As to claims 22-24, the Applicant respectfully traverses this rejection on the grounds that De La Motte et al. is not prior art. De La Motte et al. was filed July 30, 1999. The priority date of the Applicant's parent application 09/303,788 is April 30, 1999. The Applicant's parent application discusses obtaining quotes (Exhibit I, page 9, line 3 et seq.).

As noted above, the limitation of Applicant's cancelled claim 25 has been included in claim 22, as previously amended. Furthermore, Applicant has added language to claim 25

to comport with the Interview Summary resulting from the October 12, 2005 Interview with the Examiner. (Exhibit J) Specifically, the Examiner's interview summary states:

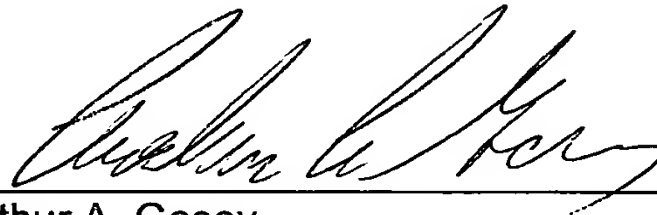
With regard to claim 22, Applicant argued that the plural quote system freight system of the claimed distinguished over the goods based system of De La Motte. The Examiner said the he believed that such an application would have been an obvious modification. With regard to claim 25, agreement was reached with regard to language to add to the claim that would overcome the applied prior art. In particular, by actively utilizing the accepted/declined accessorial information within the freight ordering system to provide an accurate quote, the claim is distinguished over general web-based application of forcing a user to accept/decline information

(Exhibit C, citing 10/12/05 Interview Summary at p.3). The Examiner has accurately stated an important distinction of claim 25 (now claim 22) over the Viking, FedEx and De La Motte references. The present claim requires the user to select (or decline) available accessorial services (e.g., liftgate service, inside delivery, etc.), thus providing a significant improvement in quote accuracy over the generalized ordering system references of record. Accordingly, Applicant's pending claim 22, which has the limitations from previously pending claim 25, and further has the Examiner's language from the interview summary set forth above, is allowable over the purported prior art references of record.

IX. **CONCLUSION**

As the Examiner acknowledged in his Advisory Action, claims 22-24 should be allowed over the prior art of record.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Arthur A. Gasey', written over a horizontal line.

Arthur A. Gasey
Reg. No. 35,150
Attorney for Applicants

Dated: August 8, 2006

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CLAIMS APPENDIX

1. (Withdrawn)
2. (Withdrawn)
3. (Withdrawn)
4. (Withdrawn
5. (Withdrawn
6. (Withdrawn)
7. (Withdrawn)
8. (Withdrawn)
9. (Withdrawn)
10. (Withdrawn)
11. (Withdrawn)
12. (Withdrawn)
13. (Withdrawn)
14. (Withdrawn)
15. (Withdrawn)
16. (Withdrawn)
17. (Withdrawn)
18. (Withdrawn)
19. (Withdrawn)
20. (Withdrawn)
21. (Withdrawn)

22. (previously presented): An internet-based system for ordering freight services from any internet connected computer comprising a server computer system which includes:

(i) one or more pages which, when viewed on, any internet connected computer allows a user to enter a freight delivery service request including at least source and destination zip codes, class, weight and accessorial services;

(ii) one or more pages which, when viewed on any internet connected computer, allow a user to schedule a shipment including at least a shipping and receiving address, a ready date, invoice information and member discount information; and

(iii) one or more pages which, when viewed on any internet connected computer, permit a user to review status of shipments made by the user;

(iv) one or more pages which, when viewed on any internet connected computer, permit a user to obtain actual quotes for shipping from a plurality of carriers-;

(v) a database of accessorial services offered in conjunction with a freight shipment process, said freight shipment process including quoting, ordering and completing said shipment; and

(vi) a web site with a plurality of web pages, one or more of said web pages sequentially displaying a plurality of accessorial services and requiring the user to address each of said accessorial services offered to accept or decline each of said accessorial services before completing said freight ordering services, thereby providing information about accepted or declined accessorial information within the freight shipment process to provide an accurate quote.

23. (previously presented) The internet-based system of claim 22 where the server computer system further comprises one or more pages which, when viewed on a user computer system, allow the printing of a bill of lading.

24. (previously presented) The internet-based system of claim 22 where the server computer system further comprises one or more pages which, when viewed on any internet connected computer, permit the user to create an invoice to send to another party.

25. (Withdrawn)

26. (Withdrawn)

27. (Withdrawn)

28. (Withdrawn)

29. (Withdrawn)

30. (Withdrawn)

31. (Withdrawn)

32. (Withdrawn)

33. (Withdrawn)

34. (Withdrawn)

35. (Withdrawn)

36. (Withdrawn)

37. (Withdrawn)

38. (Withdrawn)

39. (Withdrawn)

40. (Withdrawn)

41. (Withdrawn)

42. (Withdrawn)

43. (Withdrawn)

EVIDENCE APPENDIX

Exhibit A	August 8, 2005 Final Rejection
Exhibit B	Feb 8, 2006 Notice of Appeal
Exhibit C	Feb 8, 2006 Amendment
Exhibit D	March 2, 2006 Advisory Action
Exhibit E	May 25, 2006 Notice of Abandonment
Exhibit F	June 1, 2006 Petition to Rescind
Exhibit G	August 3, 2006 Supplemental Advisory Action
Exhibit H	August 8, 2006 Amendment
Exhibit I	Specification
Exhibit J	October 12, 2005 Interview Summary

There is no evidence submitted pursuant to 37 CFR 1.130, 1.131. or 1.132 of record.

RELATED PROCEEDINGS APPENDIX

.....
There are no appeals or interferences known to Appellant relevant to these proceedings.
.....



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,822	04/25/2000	Timothy A. Barton	2799CIP	9903

7590 08/08/2005

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EXAMINER

NORMAN, MARC E

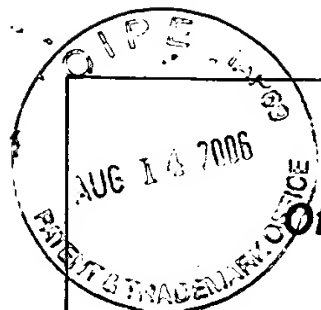
ART UNIT PAPER NUMBER

3744

DATE MAILED: 08/08/2005

*first reply due
11-8-05*

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary

Application No.

09/557,822

Applicant(s)

BARTON, TIMOTHY A.

Examiner

Marc E. Norman

Art Unit

3744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-43 is/are pending in the application.
- 4a) Of the above claim(s) 29-33 and 38-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-28 and 34-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Arguments

Applicant's arguments filed 7 February 2005 have been fully considered but they are not persuasive. Applicant objects to the fact that Examiner stated that the phrase "requiring the user" is vague, but did not give a rejection under 37 U.S.C. 112. The Examiner accepts that he should have used the word "broad" instead of "vague," but maintains the basic argument as proper. It is noted that Examiner went on to provide a reasonable interpretation of the phrase whereby the claim is deemed unpatentable.

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because of the reasons set forth on the attached Notice of Draftsperson's Patent Drawing Review (PTO-948). Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 34-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 34-37 present method claims depending from a base apparatus claim. Due to the indefinite nature of these claims, they have not been examined on the merits.

Election/Restrictions

Newly submitted/amended claims 29-33 and 38-43 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Claims 22-28 are directed either to permitting a user to review status of shipments made by the user in combination with obtaining actual quotes for shipping from a plurality of carriers (claims 22-25) or displaying/accepting/declining accessorial services in combination with obtaining actual quotes for shipping from a plurality of carriers (claims 26-28). Claims 29-33 and 38-43, in contrast, are directed to presenting an internet page to allow a user to create a bill of lading (claims 29-33) or allowing said user to compare costs of shipping between at least two different shippers for a specific shipping order specified by said user at least a point of departure and a destination, and accepting a command from said user to use one of the said shippers to perform said specific shipping order(claims 38-43). The inventions of claims 29-33 and 38-43 are usable separately from the inventions of claims 22-28 such as in a system that does not include permitting a user to review status of shipments made by the user in combination with obtaining actual quotes for shipping from a plurality of carriers or displaying/accepting/declining accessorial services in combination with obtaining actual quotes for shipping from a plurality of

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carriers. Likewise, the inventions of claims 22-28 are usable separately from the inventions of claims 29-33 or 38-43 such as in a system that does not include presenting an internet page to allow a user to create a bill of lading or allowing said user to compare costs of shipping between at least two different shippers for a specific shipping order specified by said user at least a point of departure and a destination and accepting a command from said user to use one of the said shippers to perform said specific shipping order.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 29-33 and 38-43 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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Claims 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over the FedEx system as set forth in the previous Office Action, and further in view of the FedEx system in view of Viking Freight (as set forth in the previous Office Action), and further in view of De La Motte et al.

The combination of the FedEx system and Viking Freight teaches all aspects of claims 22-28 (as set forth in the previous Office Action) except the newly added limitation regarding web pages, when viewed on an internet connected computer, permitting a user to obtain actual quotes for shipping from a plurality of carriers. This feature is taught by De La Motte et al. (See for example paragraph [0045] regarding quote module. See also paragraph [0026], line 6 regarding the system being applicable to freight carriers.). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine this feature of De La Motte et al. to the combined system/method of the FedEx system and Viking Freight for the purpose of assisting the user in obtaining the lowest cost bid, particularly since all three references are directed to on-line freight carrier services.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc E. Norman whose telephone number is 571-272-4812. The examiner can normally be reached on Mon.-Fri., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MN



MARC NORMAN
PRIMARY EXAMINER



Form PTO-948 (Rev. 06/03)

Application No. 9/557,822U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 4-25-00 are:

- A. ☐ approved by the Draftsperson under 37 CFR 1.84 or 1.152.
B. ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. Corrected drawings are required.

1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings: Black ink or Color (3 sets required).

☐ Color drawings are not acceptable until petition is granted. Fig(s) _____

☐ Pencil and non black ink not permitted. Fig(s) _____

2. PHOTOGRAPHS. 37 CFR 1.84(b)

☐ One (1) full-tone set is required. Fig(s) _____

☐ Photographs may not be mounted. 37 CFR 1.84(c)

☐ Photographs must meet paper size requirements of 37 CFR 1.84(f). Fig(s) _____

☐ Poor quality (half-tone). Fig(s) _____

3. TYPE OF PAPER. 37 CFR 1.84(e)

☐ Paper not flexible, strong, white, and durable.

☐ Fig(s) _____

☐ Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted.

☐ Fig(s) _____

4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:

21.0 cm by 29.7 cm (DIN size A4) or

21.6 cm by 27.9 cm (8 1/2 x 11 inches)

☐ All drawing sheets not the same size.

☐ Sheet(s) _____

☐ Drawings sheets not an acceptable size. Fig(s) _____

5. MARGINS. 37 CFR 1.84(g): Acceptable margins:

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

☒ Margins not acceptable. Fig(s) 3-5A, 6-15

☒ Top (T) ☒ Left (L)

☒ Right (R) ☐ Bottom (B)

6. VIEWS. 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes, e.g., if Fig. 1 is changed to Fig. 1A, Fig. 1B and Fig. 1C, etc., the specification, at the Brief Description of the Drawings, must likewise be changed.

☐ Views not labeled separately or properly.

☐ Fig(s) _____

7. SECTIONAL VIEWS. 37 CFR 1.84(h)(3)

☐ Sectional designation should be noted with Arabic or Roman numbers. Fig(s) _____

8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

☐ Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) _____

9. SCALE. 37 CFR 1.84(k)

☐ Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction.

☐ Fig(s) _____

10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(l)

☒ Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality). Fig(s) 1-11

11. SHADING. 37 CFR 1.84(m)

☐ Solid black areas pale. Fig(s) _____

☒ Solid black shading not permitted. Fig(s) 4, 6-11

12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.84(p)

☒ Numbers and reference characters not plain and legible. Fig(s) 1-17

☒ Figure legends are poor. Fig(s) 1-17

☐ Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1) Fig(s) _____

☐ English alphabet not used. 37 CFR 1.84(p)(2) Fig(s) _____

☐ Numbers, letters and reference characters must be at least 32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3). Fig(s) _____

13. LEAD LINES. 37 CFR 1.84(q)

☐ Lead lines missing. Fig(s) _____

14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(t)

☐ Sheets not numbered consecutively, and in Arabic numbers beginning with number 1. Sheet(s) _____

15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

☐ Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) _____

16. DESIGN DRAWINGS. 37 CFR 1.152

☐ Surface shading shown not appropriate.

☐ Fig(s) _____
☐ Solid black surface shading is not permitted except when used to represent the color black as well as color contrast. Fig(s) _____

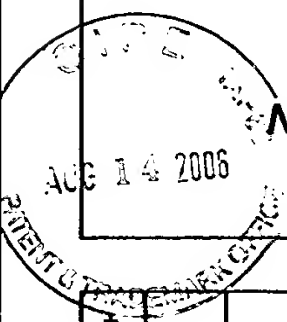
COMMENTS:

Reviewer J. CHASE

If you have questions, call (703) 305-8404.

Date 8-2-05

Attachment to Paper No. _____



Notice of References Cited

Application/Control No.

09/557,822

Applicant(s)/Patent Under
Reexamination
BARTON, TIMOTHY A.

Examiner

Marc E. Norman

Art Unit

3744

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-2003/0014318 A1	01-2003	DE LA MOTTE et al.	705/26
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

Timothy Barton)
)
) Group Art Unit 3744
SERIAL NO.: 09/557,822)
)
FILED: April 25, 2000)
) Examiner: Norman, Marc E.
FOR: System & Method of)
Marketing Computer)
Networks)

NOTICE OF APPEAL

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated August 8, 2005 finally rejecting claims 22-28 and 34-37.

The Commissioner is authorized to charge the following fees required, or credit any overpayment to Deposit Account No. 14-1131:

1. Notice of Appeal (small entity) \$250.00

Respectfully submitted

Arthur A. Gasey - Reg. No. 35,150
Niro, Scavone, Haller & Niro
181 W. Madison-Suite 4600
Chicago, IL 60602
(312) 236-0733

February 8, 2006

I certify that this document and enclosed fee is being deposited on February 8, 2006 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-2450

Hannah Martin

Date: February 8, 2006

Applicant: Timothy Barton
Serial No.: 09/557,822
Filing Date: April 25, 2000
For: SYSTEM & METHOD OF MARKETING
COMPUTER NETWORKS

RECEIVED IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Amendment after Final including::

- request for a three month extension of time
- 24 sheets of formal drawings
- authorization to charge deposit acctg. 14-1131
- Notice of Appeal*

Docket No. 2799CIP

February 8, 2006



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Timothy Barton

SERIAL NO.: 09/557,822

FILED: April 25, 2000

FOR SYSTEM AND METHOD OF
MARKETING COMPUTER
NETWORKS

Group No. 3744

Examiner: Norman, Marc E.

COMBINED AMENDMENT (After Final) & PETITION FOR
EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Transmitted Herewith is a combined Amendment and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of August 8, 2005 in the above-identified application.

Applicant hereby requests a three month extension of time of from: November 8, 2005 until: February 8, 2006

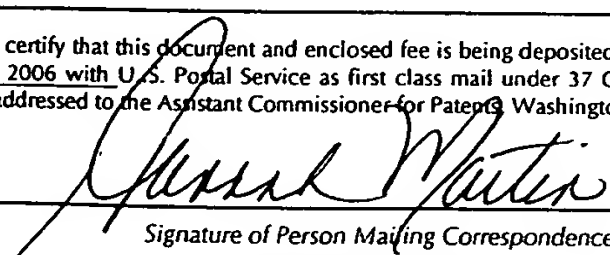
The fee for the amendment and extension of time has been calculated as shown below:

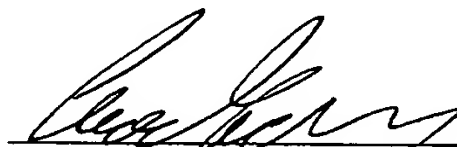
Fee for Extension of Time: \$ 510.00

TOTAL FEE FOR AMENDMENT AND EXTENSION OF TIME: \$ 510.00

- ☒ The commissioner is hereby authorized to charge the fee for the amendment and extension of time in the amount of \$510.00 to our Deposit Account No. 14-1131.
- ☒ The commissioner is hereby authorized to charge any additional filing fees associated with this communication to our Deposit Account No. 14-1131.
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 14-1131. (A duplicate copy of this sheet is enclosed.)

This combined Transmittal of amendment and petition for extension of time under 37 CFR 1.136(a) is respectfully submitted by the undersigned:

I certify that this document and enclosed fee is being deposited on <u>February 8, 2006</u> with U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington DC 20231	
	
Signature of Person Mailing Correspondence	
Hannah Martin	
Typed or Printed Name of Person Mailing Correspondence	


Arthur A. Gasey - Reg. No. 35,150
NIRO, SCAVONE, HALLER & NIRO
181 W. Madison-Suite 4600
Chicago, IL 60602
(312) 236-0733

Date: February 8, 2006

AMENDMENT TO THE SPECIFICATION

The examiner is requested to enter the following amendment to the specification to correctly claim priority.

On page 2, at the top of the page before "Field of the Invention", add the following:

"This is a continuation-in-part of application number 09/303,788 filed April 30, 1999, now abandoned."

CLAIMS

If entered, this listing of claims will replace all prior versions, and listings, of claims in the application:

Claims 1-21 (cancelled).

22. (currently amended): An internet-based system for ordering freight services from any internet connected computer comprising a server computer system which includes:

(i) one or more pages which, when viewed on, any internet connected computer allows a user to enter a freight delivery service request including at least source and destination zip codes, class, weight and accessorial services;

(ii) one or more pages which, when viewed on any internet connected computer, allow a user to schedule a shipment including at least a shipping and receiving address, a ready date, invoice information and member discount information; and

(iii) one or more pages which, when viewed on any internet connected computer, permit a user to review status of shipments made by the user;

(iv) one or more pages which, when viewed on any internet connected computer, permit a user to obtain actual quotes for shipping from a plurality of carriers;

(v) a database of accessorial services offered in conjunction with a freight shipment process, said freight shipment process including quoting, ordering and completing said shipment; and

(vi) a web site with a plurality of web pages, one or more of said web pages sequentially displaying a plurality of accessorial services and requiring the user to address each of said accessorial services offered to accept or decline each of said accessorial services before completing said freight ordering services, thereby providing information about accepted or declined accessorial information within the freight shipment process to provide an accurate quote..

23. (previously presented) The internet-based system of claim 22 where the server computer system further comprises one or more pages which, when viewed on a user computer system, allow the printing of a bill of lading.

24. (previously presented) The internet-based system of claim 22 where the server computer system further comprises one or more pages which, when viewed on any internet connected computer, permit the user to create an invoice to send to another party.

25. (cancelled):

26. (previously presented): An internet-based system for ordering freight services comprising a server computer system which includes:

at least one page which, when viewed on a user computer system, allows a user to enter a freight delivery service request including at least source and destination zip codes, class, weight and accessorial services;

a database of accessorial services offered in conjunction with a freight shipment process, said freight shipment process including quoting, ordering and completing said shipment;

at least one page which, when viewed on any internet connected computer, permits a user to obtain actual quotes for shipping from a plurality of carriers; and,

at least one page sequentially displaying a plurality of accessorial services and requiring the user to address each of said accessorial services offered to accept or decline each of said accessorial services before completing said freight ordering services.

27. (previously presented): The internet-based system of claim 26 where the server computer system further comprises at least one page which, when viewed on a user computer system, allows the printing of a bill of lading.

28. (previously presented): The internet-based system of claim 26 where the server computer system further comprises at least one page which, when viewed on a user computer system, permits the user to create an invoice to send to another party.

29. (withdrawn): A method for managing an internet-based system for ordering freight services comprising the steps of:

presenting at least one internet page to a user to collect initial shipment information including class, weight, source and destination;

presenting at least one internet page to the user to display cost information based on said initial shipment information;

presenting at least one internet page to the user to schedule a shipment based on source and destination information, said initial shipment information and said cost information;

presenting at least one internet page to the user to allow said user to schedule a ready date and time of shipment;

presenting at least one internet page to allow the user to create a bill of lading.

30. (withdrawn) The method of claim 29 further comprising the steps of presenting at least one internet page to the user to allow said user to track said shipment.

31. (withdrawn) The method of claim 29 further comprising the steps of:

maintaining a database of accessorial services offered in conjunction with a freight shipment process, said freight shipment process including quoting, ordering and completing said shipment; and

presenting at least one page sequentially displaying a plurality of accessorial services and requiring the user to address each of said accessorial services offered to accept or decline each of said accessorial services before completing said freight ordering services.

32. (withdrawn) The method of claim 29 further comprising the step of choosing at least one carrier from a plurality of carriers.

33. (withdrawn) The method of claim 32 wherein said step of choosing at least one carrier is completed after viewing cost estimates from a plurality of carriers.

34. (currently amended) The method of claim [28] 29 wherein said internet-based system generates custom management reports.

35. (currently amended) The method of claim [28] 29 wherein said internet-based system allows a user to access a shipping log of a plurality of prior shipments.

36. (currently amended) The method of claim [28] 29 further comprising the steps of creating at least one master account and at least one sub-account of said master account.

37. (currently amended) The method of claim [28] 29 further comprising the step of printing custom invoices for a plurality of customers.

38. (withdrawn) An internet-based system for providing automated shipping services comprising:

a server computer supplying a plurality of web pages;

a user computer running standard browser software;

a network connecting said server computer to said user computer;

a database on said server computer containing shipping services information from a plurality of shippers;

said server, on at least one of said web pages, allowing said user to compare costs of shipping between at least two different shippers for a specific shipping order, said specific shipping order specified by said user as at least a point of departure and a destination;

said server, on at least one of said web pages, accepting a command from said user to use one of said shippers to perform said specific shipping order.

39. (withdrawn) The system of claim 38 further comprising said server completing said shipping order to said one of said shippers.

40. (withdrawn) The system of claim 38 further comprising said server causing a bill of lading to be printed.

41. (withdrawn) The system of claim 38 further comprising said server producing a management report containing at least one entry relating to said shipping order.

42. (withdrawn) The system of claim 38 further comprising said server maintaining a master account for said user.

43. (withdrawn) The system of claim 42 further comprising said server maintaining at least one sub-account related to said master account.

REMARKS

This Amendment is in response to the Office Action dated August 8, 2005 and is a follow up on the Examiner Interview granted on October 12, 2005, for which the Applicant thanks the Examiner for his courtesies. The examiner has stated that new corrected drawings are required in this application. New drawings are being supplied with this response. Claims 34-37 were rejected under 35 U.S.C. 112, second paragraph. These dependent claims mistakenly referred to claim 28 instead of claim 29. These have been amended.

The examiner withdrew claims 29-33 and 38-43 from consideration as being directed to a non-elected invention. The applicant respectfully traverses this restriction because all of the claims presented relate to an internet-based system and method for providing automated shipping services. Reviewing the status and comparing costs is simply an additional part of the system claimed in claims 22 et seq. The inventions require a similar web page structure as that claimed in claim 22 to operate.

The examiner rejected claims 22-28 under 35 U.S.C. 103(a) as being unpatentable over the FedEx system and in view of Viking Freight and De La Motte et al. The applicant respectfully traverses this rejection on the grounds that De La Motte et al. is not prior art. De La Motte et al. was filed July 30, 1999. The priority date of the applicant's parent application 09/303,788 is April 30, 1999. The applicant's parent application discusses obtaining quotes on page 9, line 3. In addition, applicant has

cancelled claim 25 and included its language in claim 22, as presently amended.

Furthermore, applicant has added language to claim 25 to comport with the Interview

Summary resulting from the October 12, 2005 Interview with the Examiner.

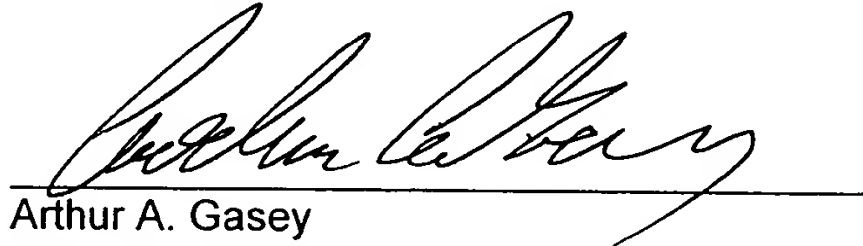
Specifically, the Examiner's interview summary states:

With regard to claim 22, Applicant argued that the plural quote system freight system of the claimed distinguished over the goods based system of De La Motte. The Examiner said the he believed that such an application would have been an obvious modification. With regard to claim 25, agreement was reached with regard to language to add to the claim that would overcome the applied prior art. In particular, by actively utilizing the accepted/declined accessorial information within the freight ordering system to provide an accurate quote, the claim is distinguished over general web-based application of forcing a user to accept/decline information

(10/12/05 Interview Summary at p.3). Accordingly, applicant has taken dependent claim 25 and added it to claim 22 (upon which it depended) and added the language from the interview summary set forth above.

Based on the above, the applicant feels that the examiner will find the claims to be patentable, and therefore respectfully requests that the examiner place the case in condition for allowance at his earliest convenience.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Arthur A. Gasey', is written over a horizontal line.

Arthur A. Gasey
Reg. No. 35,150
Attorney for Applicants

Dated: February 8, 2006

NIRO SCAVONE HALLER & NIRO
181 W. Madison Street, Suite 4600
Chicago, Illinois 60602
Telephone: (312) 236-0733
Fax: (312) 236-3137



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,822	04/25/2000	Timothy A. Barton	2799CIP	9903

7590 03/02/2006

Niro Scavone Haller & Niro
Suite 4600
181 West Madison Street
Chicago, IL 60602

EXAMINER

NORMAN, MARC E

ART UNIT	PAPER NUMBER
----------	--------------

3744

DATE MAILED: 03/02/2006

NSP due to 7-5-06
CR

Appeal Brief due 4-8-06

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/557,822

Applicant(s)

BARTON, TIMOTHY A.

Examiner

Marc E. Norman

Art Unit

3744

The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 February 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on 2/13/06. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☒ Newly proposed or amended claim(s) 22-24 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 22-24.

Claim(s) objected to: _____.

Claim(s) rejected: 26-28.

Claim(s) withdrawn from consideration: 29-43.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: Even if the feature taught by De LaMotte may have been disclosed in the parent case of the CIP, the combination of that feature with the other limitations of claim 26 was not disclosed in the parent case. Accordingly, the claim combination as a whole does not receive priority benefit back to the parent application and the thus use of De LaMotte in the rejection of a portion of the combination is proper.



MARC NORMAN
PRIMARY EXAMINER



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,822	04/25/2000	Timothy A. Barton	2799CIP	9903

7590 05/25/2006

Niro Scavone Haller & Niro
Suite 4600
181 West Madison Street
Chicago, IL 60602

EXAMINER

NORMAN, MARC E

ART UNIT	PAPER NUMBER
----------	--------------

3744

DATE MAILED: 05/25/2006



Please find below and/or attached an Office communication concerning this application or proceeding.



Notice of Abandonment

Application No.

09/557,822

Examiner

Marc E. Norman

Applicant(s)

BARTON, TIMOTHY A.

Art Unit

3744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

Applicant filed a Notice of Appeal on 2/13/06, but failed to file an Appeal Brief within 2 months thereafter.

MARC NORMAN
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



Applicant: Timothy A. Barton
Serial No.: 09/557,822
Filing Date: April 25, 2000
For: System & Method of Marketing Computer
Networks

RECEIVED IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Petition to Rescind Abandonment including:
-- exhibits A-B
--authorization to charge Deposit Acctg. 14-1131

Docket No. 2799CIP

June 1, 2006



ATTORNEY
DOCKET NO.2799CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Timothy A. Barton)	
)	
SERIAL NO.:	09/557,822)	Group No. 3744
)	
FILED:	April 25, 2000)	Examiner: Marc E. Norman
)	
FOR:	SYSTEM & METHOD OF MARKETING)	
	COMPUTER NETWORKS)	

PETITION TO RESCIND ABANDONMENT OF APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant petitions to rescind the Notice of Abandonment dated May 25, 2006.

In the Notice of Abandonment received from the U.S. Patent Office, the undersigned has noted that the above-identified application is being forwarded to the abandoned files because Applicant failed to file an Appeal Brief within two months from February 13, 2006, the date the Notice of Appeal was filed.


1. On February 8, 2006, applicant filed with the United States Patent and Trademark Office an Amendment after Final including a Request for a three-month Extension of Time, 24 sheets of Formal Drawings and a Notice of Appeal (Exhibit A).

2. On March 3, 2006, the Examiner issued an Advisory Action acknowledging the filing of the Notice of Appeal (Exhibit B). 37 Code of Federal Regulations states that a brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal." Under 37 CFR 41.37(e), it states that "time periods set forth in this section are extendable under the provisions of § 1.136." Therefore, applicant would be entitled to an extendable period of up to four months, or until August 13, 2006 in which to file the required Appeal Brief. Hannah Martin, our Patent Administrator, spoke with Examiner Marc Norman on June 1, 2006, and Examiner Norman suggested that we file this request.

The undersigned has reviewed his records and noted that the Notice of Abandonment was issued in error.

June 1, 2006

Respectfully submitted,


Arthur A. Gasey - Reg No. 35, 150
Niro, Scavone, Haller & Niro
181 W. Madison-Suite 4600
Chicago, IL 60602
(312) 236-0733

<p>I certify that this document and enclosed fee is being deposited on June <u>1</u>, 2006 the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, Alexandria, VA 22313-1450</p> <p> _____ Hannah Martin Typed or Printed Name of Person Mailing Correspondence</p>
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,822	04/25/2000	Timothy A. Barton	2799CIP	9903

7590 08/03/2006

Niro Scavone Haller & Niro
Suite 4600
181 West Madison Street
Chicago, IL 60602

EXAMINER

NORMAN, MARC E

ART UNIT	PAPER NUMBER
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3744

DATE MAILED: 08/03/2006



Please find below and/or attached an Office communication concerning this application or proceeding.

SUPPLEMENTAL**Advisory Action****Before the Filing of an Appeal Brief**

Application No.

09/557,822

Applicant(s)

BARTON, TIMOTHY A.

Examiner

Marc E. Norman

Art Unit

3744

The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on 13 February 2006. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ They raise the issue of new matter (see NOTE below);

(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☒ Newly proposed or amended claim(s) 22-24 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 22-24.

Claim(s) objected to: _____.

Claim(s) rejected: 26-28.

Claim(s) withdrawn from consideration: 29-43.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.

13. ☒ Other: See Continuation Sheet.

Continuation of 13. Other: The decision by the Office of Petitions to affirm Applicant's petition to rescind abandonment is hereby acknowledged. The Examiner apologizes for any confusion or delay that has occurred due to the prematurely issued Notice of Abandonment.

A handwritten signature in black ink, appearing to read 'M. Norman', with a stylized flourish at the end.

MARC NORMAN
PRIMARY EXAMINER



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

TIMOTHY A. BARTON

SERIAL NO.: 09/557,822

FILED: April 25, 2000

FOR: SYSTEM AND METHOD FOR
MARKETING OVER COMPUTER
NETWORK

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Group Art Unit 3744

Examiner: M. Norman

AMENDMENT

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

This is an after-final response being filed under 37 C.F.R. 1.116 in response to the Supplemental Advisory Action of August 3, 2006 and in accord with the Advisory Action of March 2, 2006 and the Examiner interview of October 12, 2005. The examiner is kindly requested to enter this amendment into the record at his convenience.

CLAIMS

If entered, this listing of claims will replace all prior versions, and listings, of claims in the application:

Claims 1-21 (cancelled).

22. (previously amended): An internet-based system for ordering freight services from any internet connected computer comprising a server computer system which includes:

(i) one or more pages which, when viewed on, any internet connected computer allows a user to enter a freight delivery service request including at least source and destination zip codes, class, weight and accessorial services;

(ii) one or more pages which, when viewed on any internet connected computer, allow a user to schedule a shipment including at least a shipping and receiving address, a ready date, invoice information and member discount information; and

(iii) one or more pages which, when viewed on any internet connected computer, permit a user to review status of shipments made by the user;

(iv) one or more pages which, when viewed on any internet connected computer, permit a user to obtain actual quotes for shipping from a plurality of carriers;

(v) a database of accessorial services offered in conjunction with a freight shipment process, said freight shipment process including quoting, ordering and completing said shipment; and

(vi) a web site with a plurality of web pages, one or more of said web pages sequentially displaying a plurality of accessorial services and requiring the user to address each of said accessorial services offered to accept or decline each of said accessorial services before completing said freight ordering services, thereby providing information about accepted or declined accessorial information within the freight shipment process to provide an accurate quote..

23. (previously presented) The internet-based system of claim 22 where the server computer system further comprises one or more pages which, when viewed on a user computer system, allow the printing of a bill of lading.

24. (previously presented) The internet-based system of claim 22 where the server computer system further comprises one or more pages which, when viewed on any internet connected computer, permit the user to create an invoice to send to another party.

Claims 25-28. (cancelled):

29. (withdrawn): A method for managing an internet-based system for ordering freight services comprising the steps of:

presenting at least one internet page to a user to collect initial shipment information including class, weight, source and destination;

presenting at least one internet page to the user to display cost information based on said initial shipment information;

presenting at least one internet page to the user to schedule a shipment based on source and destination information, said initial shipment information and said cost information;

presenting at least one internet page to the user to allow said user to schedule a ready date and time of shipment;

presenting at least one internet page to allow the user to create a bill of lading.

30. (withdrawn) The method of claim 29 further comprising the steps of presenting at least one internet page to the user to allow said user to track said shipment.

31. (withdrawn) The method of claim 29 further comprising the steps of:

maintaining a database of accessorial services offered in conjunction with a freight shipment process, said freight shipment process including quoting, ordering and completing said shipment; and

presenting at least one page sequentially displaying a plurality of accessorial services and requiring the user to address each of said accessorial services offered to

accept or decline each of said accessorial services before completing said freight ordering services.

32. (withdrawn) The method of claim 29 further comprising the step of choosing at least one carrier from a plurality of carriers.

33. (withdrawn) The method of claim 32 wherein said step of choosing at least one carrier is completed after viewing cost estimates from a plurality of carriers.

34. (withdrawn) The method of claim [28] 29 wherein said internet-based system generates custom management reports.

35. (withdrawn) The method of claim [28] 29 wherein said internet-based system allows a user to access a shipping log of a plurality of prior shipments.

36. (withdrawn) The method of claim [28] 29 further comprising the steps of creating at least one master account and at least one sub-account of said master account.

37. (withdrawn) The method of claim [28] 29 further comprising the step of printing custom invoices for a plurality of customers.

38. (withdrawn) An internet-based system for providing automated shipping services comprising:

a server computer supplying a plurality of web pages;

a user computer running standard browser software;

a network connecting said server computer to said user computer;

a database on said server computer containing shipping services information from a plurality of shippers;

said server, on at least one of said web pages, allowing said user to compare costs of shipping between at least two different shippers for a specific shipping order, said specific shipping order specified by said user as at least a point of departure and a destination;

said server, on at least one of said web pages, accepting a command from said user to use one of said shippers to perform said specific shipping order.

39. (withdrawn) The system of claim 38 further comprising said server completing said shipping order to said one of said shippers.

40. (withdrawn) The system of claim 38 further comprising said server causing a bill of lading to be printed.

41. (withdrawn) The system of claim 38 further comprising said server producing a management report containing at least one entry relating to said shipping order.

42. (withdrawn) The system of claim 38 further comprising said server maintaining a master account for said user.

43. (withdrawn) The system of claim 42 further comprising said server maintaining at least one sub-account related to said master account.

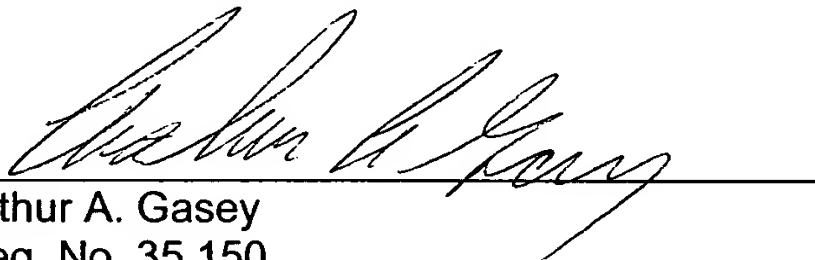
REMARKS

This Amendment is in response to the Supplemental Advisory Action dated August 3, 2006, and is a further follow up on the Advisory Action of March 2, 2006 and the Examiner Interview granted on October 12, 2005,.

In the Advisory Action, the Examiner Noted that claims 22-24 would be allowable if submitted with an Amendment canceling the non-allowable claims. By submission of the present Amendment, applicant has done so. Thus, Applicant respectfully requests allowance of claims 22-24.

Based on the above, the applicant feels that the examiner will find the claims to be patentable, and therefore respectfully requests that the examiner place the case in condition for allowance at his earliest convenience.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Arthur A. Gasey', is written over a horizontal line.

Arthur A. Gasey
Reg. No. 35,150
Attorney for Applicants

Dated: August 8, 2006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TITLE OF THE INVENTION: **SYSTEM AND METHOD FOR MARKETING OVER
COMPUTER NETWORKS**

DOCKET NO.: **2799CIP**

INVENTORS: **Timothy A. Barton**

ATTORNEYS: **Keith A. Vogt
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Suite 4600
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Field of the Invention

5 The invention claimed relates to computer networks, and particularly, to marketing over computer networks and to network marketing and provision of freight trucking services.

Background of the Invention

10 Historically, less-than-truckload (“LTL”) freight trucking services have been rated and scheduled by phone calls to individual carriers or brokers, and confirmatory faxes or letters. As a result, the time involved in obtaining competitive quotes, scheduling the shipments, billing, tracking and confirming shipments has been significant. In addition, invoices, bills of lading and other important documentation have often contained mistakes or errors, leading to further time spent rectifying any problems. Because of the often personal nature of the quotes provided, it has been difficult to obtain accurate quoting services and rapid scheduling, and impossible to obtain a choice
15 of freight trucking services from a single-source real-time network-based solution. In addition, significant errors in billing often occur with respect to accessorial services which include, among others, arrival notification, inside delivery and liftgate services. Often, a customer fails to notify the shipping agent that such services are desired or the shipping agent inputs the incorrect information while taking the order. These types of errors are so pervasive in the shipping industry that entire
20 service companies exist to audit shipping invoices to correct these types of errors. Another error that is common is to enter an incorrect zip code for the delivery location. This again leads to both delivery problems and to billing inaccuracies similar to those described above.

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Freight trucking services ordinarily consist of: rating, scheduling, tracking, confirming, and billing. Other related services can also be provided. It is useful to be able to see or generate reports of shipments made or in progress.

5 Rating the shipment involves providing information to the carrier or broker regarding the origin, destination, and kind of shipping desired. The carrier or broker then determines the rate, often with a negotiated discount, and quotes the rate to the user. The user will then schedule the shipment's pickup and delivery, if the rate is acceptable. It is useful for the user to be able to track the shipment, which is to be able to ascertain the transit status of the shipment once the order has been placed. Tracking services provided to the user are commonly based on a shipment number,
10 which the user must have or look up if the user wishes to track a package. These tracking services allow the user to track single packages, based on the tracking number alone.

If a broker is used, the broker will need to confirm the shipment with the carrier in order to verify that the carrier will have capacity to handle the shipment. Again, this process typically involves telephone calls, faxes, and person-to-person contacts. These contacts lend inefficiency,
15 inaccuracy, and time to an already cumbersome system, but are typically the way freight trucking shipments are rated and scheduled currently.

In freight trucking, volume discounts are often given by carriers in order to induce users to ship with them, and reward repeat business. These discounts can amount to up to 70% of the carrier's base tariffs, and often result in substantial savings to those shippers able to get such
20 discounts. These discounts are not typically available to individual users, other than based on their individual volume of shipments. Sometimes, these volume discounts may be granted to a broker,

who may pass a portion of the discount on to the broker's users, or to a group of similarly situated shippers.

A number of network-based shipping services have come into being in recent years. These services, typically, perform the same services provided by a carrier, but over the Internet or other network. Typically, the services provided will be a simple quoting or rating service, along with a scheduling request. No services provide real-time rating and scheduling of shipments or customized branding and reporting by user.

While a number of specialized network-based services have been developed for target markets such as network-based auctioning, retail sales, or grocery shopping, no advanced system for providing general freight shipping services over a network has been developed.

Additionally, existing network-based services generally have a model which is used for providing services. Such a service will be provided with either a single affiliation or a banner advertisement which will be determined randomly at the time a user accesses the service. Hence, a web site or other network-based service will have advertisements or affiliations, but these affiliations and advertisements will be statically determined or based on random selection. In other words, a single web-site or network-based service will appear to be affiliated with only one group or organization, and though it may have a plurality of advertisers, those advertisers may appear as a group or in banner advertisements.

Definition of the Terms

The following terms are used in the claims of the patent as filed and are intended to have their broadest equivalent meaning consistent with the requirements of law.

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"Affiliation" or "Association" means an organization or group of which a user may be a member.

"Affinity group" or "affiliation group" means a group with similar interests, such as a professional organization or other group. Any group of users may be referred to as an affinity group or affiliation group.

"Branding" means marking or displaying an affinity or affiliation indication or associating a service with an affinity or affiliation.

"Carrier SCAC" or "SCAC" means or any code or abbreviation used to represent a carrier.

"Carrier information" means any data or information stored in the database regarding the carriers. This may include SCAC, rate information, discount information, markup information, or any other kind of information related to a carrier.

"Customer information or user information" means any data or information stored in the database regarding the customer.

"Customer" means a user who has been registered with the service, and has access to a master account or a sub-account.

"Database" means a collection of information stored in a format which allows searching by a computer, program or user.

"Freight trucking" means land-based shipping of full or partial loads by any shipping vehicle, such as a truck, automobile, panel van, or other shipping vehicle.

"Freight trucking" means shipping performed over land, using trucks, either the entire truck or a portion thereof.

"Freight marketing" means the marketing of freight trucking services.

"HTML" means Hypertext Markup Language.

5 "LTL shipping" means "less-than-truckload" shipping, or shipping involving any size load, including specifically loads with are less than an entire truckload. This definition is meant to be inclusive rather than exclusive, and also includes loads which are equal to or greater than an entire truckload.

"Marketing" means advertising, selling, providing, or any combination thereof.

10 "Master Account" means an account on the Service affiliated with a single user. An account will usually include a personal identification, such as a name or code, and a password or PIN. This account will grant access to the Service upon the entry of the personal identification and the password or PIN, though it may involve any kind of mechanism for identification of the user, such as a password or account name alone, or a name paired with a "cookie" provided by the user's computer, or any similar device.

15 "Network" means any distributed computer network, including, without limitation, both private and public networks, such as IPX networks or the Internet.

"NMFC number" means National Motor Freight Classification number, but may also indicate any code in any system for classifying freight shipments.

"OCR" means optical character recognition.

"PIN" means personal identification number.

20 "POD" means proof of delivery or proof of delivery form.

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"Programs" or "software" means any machine-operable code stored on a computer permitting it to operate or perform a function.

"Quotation" means a price quote for a service, such as a shipment.

5 "Rating" means quoting a price based on shipment data provided by a customer or user, such as a stated shipment type, origin, and destination.

"Shipper" means the location, entity, user, or person from which a shipment is picked up or sent.

"Sub-account" means a sub-division of a master account. These sub-accounts may be accessible by the Master Account's user through use of a separate password or PIN.

10 "The service" means the service for providing services related to freight trucking over a distributed network such as the Internet or World Wide Web, or any other distributed network.

"The system" means the computer hardware and software used in providing the service. In the currently preferred embodiment, this includes the server computer.

15 "The server" means the computer hardware used in providing the service. This may include, as in the currently preferred embodiment, a web server and a database server. The server may also be a single computer or a plurality of computers.

"Carrier" means an individual or organization providing freight shipping services.

"Tracking" means providing information regarding shipment status.

"User" means customer, potential customer, or other person accessing the service.

20 "Web browser" means any software adapted for accessing web pages or other files over the Internet or a distributed network. Examples of such software are Netscape Navigator and Internet

Explorer. Where alternative meanings are possible, the broadest meaning is intended. All words used in the claims are intended to be used in the normal, customary usage of grammar and the English language.

Summary of the Invention

5 The invention provides a novel system and method for affiliation of a service provided over a network with a plurality of entities and a novel system and method for providing customized shipping quoting, scheduling, tracking and reporting.

A novel feature of the invention is the custom branding of the services provided with an association, affinity group, or organization logo and name, ascertained from information provided
10 by the user. Any service provided may appear to different customers or users to be provided by or affiliated with different associations, organizations or affinity groups. This feature is novel with respect to all services provided over a distributed network.

The invention allows a user to obtain actual quotes for LTL shipping from a plurality of carriers. The user may then schedule the pick-up and shipment from the shipper of choice, and
15 generate a bill of lading and customer invoice. The user benefits from group or other discounts provided by the service or their affiliation, and may choose the most favorable rate from among a number of shippers, or may choose a favored shipper based on criteria of the user's choice. The user is able to obtain an actual rate, incorporating any discounts, and can see precisely the amount which the user will pay if the user elects to use the shipping service quoted.

20 The invention maintains a database of carriers, and upon receiving a rating request from a user, queries the database in order to determine which carriers will provide service. The system then

determines the rate applicable to each carrier, based on any volume discounts provided and applicable markups, and quotes the rates of all applicable carriers to the user. Once the rating process is completed, the user may choose the carrier it wishes to use for the shipment, and schedule the shipment.

5 The invention permits the user to select from a plurality of features or accessorial services for the shipping services chosen, such as arrival notification, inside delivery, liftgate services, or others. The charges for these features or accessorial services are automatically calculated and displayed to the user. Moreover, inaccuracies with respect to the accessorial service charges are further reduced by requiring the user to address each accessorial service individually before the user
10 may exit the accessorial page and move further through the system.

 The invention permits the user to rate and schedule either a single shipment or a plurality of freight shipments at one time.

 Yet another aspect of the present invention is to reduce errors resulting from inputting incorrect zip code information. This may be accomplished by comparing the inputted delivery
15 location zip codes with stored delivery location zip coded used by the shipper in the past to determine, if the zip code information inputted reconciles with locations used in the past.

 Another feature of the invention is the ability to customize the interface for each customer or user, permitting the quoting service to recall for the customer or user their prior orders, and data provided earlier by the user. The system dynamically stores shipping addresses and other data for
20 each user, permitting the user to schedule later shipments to or from repeated addresses, bill repeat customers, or perform any repetitive task without requiring the user to supply information again.

This feature is novel in the area of freight services marketing over a distributed network, and has numerous novel aspects.

5 An aspect of the customization is the ability to generate specific management reports, specifically permitting the user to create and run customized reports, which can then be transmitted to the user either over the network, via electronic mail or facsimile. These reports can cover shipment tracking, shipment usage, or other features of the service, can be run both by user request and automatically, and can cover shipments already invoiced and not yet invoiced.

10 Another aspect of the customization is the ability for each user to maintain sub-accounts for each master account. A user may have multiple sub-accounts for each master account, with each sub-account having its own password or PIN. These accounts may be associated with different employees of the user, different customers of the user, or any categorization which the user desires. This permits the user to restrict access to certain information or to more easily track different uses of the service.

15 Another aspect of the customization permits the user, once the user has scheduled shipments, to access a tracking report or shipment log of all prior shipments. These shipments may be tracked by the user without reference to a specific shipment number or code, and permits the user to access, both by user and by sub-account, records of all shipments scheduled through the service. Individual shipments may also be tracked without the use of a tracking number or code.

20 Another aspect of the customization permits a user to access invoices, past and present, including payments and credits. The user may also view payment and credit details on a monthly basis. Another aspect of the service permits the user to maintain and utilize a database of NMFC

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numbers for the products shipped, allowing the user to accurately rate and schedule shipments based on both standard product descriptions and their own customized product descriptions, with appropriate NMFC numbers provided automatically by the system.

Another aspect of the service permits the user to create and print invoices for the user's own customers. These invoices may be printed while the user is accessing the service upon scheduling a shipment. The service stores customer information for each user, which the user may access for repeat shipments. The invoices are custom-generated for the user, and the system permits the user to add their cost to the cost of the freight, thereby permitting a completely custom invoice. The invoices are printed on a ready-to-mail form for the convenience of the user.

Another aspect of the invention is automated pickup confirmation. The system either electronically notifies or faxes the carrier chosen by the user with an automatically generated pickup confirmation request. The fax request contains check-boxes for the carrier to mark, indicating whether the carrier will be able to handle the shipment or not. The carrier then faxes the request back to the service. The service automatically recognizes the pickup confirmation request using OCR software and updates the system automatically to reflect the carrier's reply. The user may access the system at any time to determine whether or not the user's shipment has been accepted, and track the shipment's status.

The system will also permit the user to print a Bill of Lading. In addition, if the user is not the shipper, the system can automatically fax a Bill of Lading and pickup instructions to the shipper.

The entire process of rating and scheduling a shipment may be performed by the user via access to the system. No telephone calls need be made, no confirmatory faxes or letters are sent by

the user. The user can rate, schedule, bill and track an entire shipment through access to the system, and generate custom reports regarding the user or any sub-accounts regarding the use of the system. Thus, the invention is a single-source, network-based solution for marketing freight trucking services.

5 Brief Description of the Drawings

Figure 1 shows an overview of the system, including the user computer, a network, and the service's server computers.

Figure 2 shows an overall flowchart of the service, from a user's point of view.

Figure 3 shows the login page for a web-based version of the invention.

10 Figure 4 shows the main menu page for a web-based version of the invention.

Figure 5 shows the rating page for a web-based version of the invention. Figure 5A shows an example of a multiple class entry page.

Figures 6 and 6A show the address information page for a web-based version of the invention.

15 Figure 7 shows the accessorial services page for a web-based version of the invention.

Figure 8 shows the product description page for a web-based version of the invention.

Figure 8A shows a shipment ready page for a web-based version of the invention.

Figure 9 shows the third-party invoice page for a web-based version of the invention.

Figure 10 shows a specimen invoice.

20 Figure 11 shows the complete shipment page for a web-based version of the invention.

Figure 12 shows a sample Bill of Lading.

Figure 13 shows the invoice inquiry page for a web-based version of the invention.

Figure 14 shows the shipment tracking page for a web-based version of the invention.

Figure 15 shows the customized reports page for a web-based version of the invention.

Figure 15A shows a run cost report page for a web-based version of the invention.

5 Figure 15B shows a sample cost report.

Figure 15C shows a run tracking report page for a web-based version of the invention.

Figure 15D shows a sample tracking report.

Figure 16 shows the manage sub-accounts page for a web-based version of the invention.

Figure 17 shows the LTL rating process.

10 **Detailed Description of the Preferred Embodiments**

Set forth below is a description of what is currently believed to be the preferred embodiment or best example of the invention claimed. Future and present alternatives and modifications to this preferred embodiment are contemplated. Any alternatives or modifications which make insubstantial changes in function, in purpose, in structure or in result are intended to be covered by the claims of
15 the patent.

The invention's preferred embodiment currently is a web site, and may best be understood in terms of use over the Internet. It can readily be seen, however, that the essential design of the system and the services provided by it do not require the use of a web site over the Internet, but may be implemented through the use of any server over any network, including the Internet, an IPX
20 network, or any distributed network of computers with access to a server or computer on which the system operates. The system providing the services of the invention may comprise a number of

computers, such as a web server and a database server, or a single computer performing all of the functions of the invention, so long as the user may access the functions over a network.

The present preferred embodiment of the system is the preferred embodiment given the present technology available and the kinds of networks currently in popular use, and is not meant to restrict the specification or practice of the invention in any way by reference to a specific kind of network, server, computer, or operating system. Equivalent computers, networks, or operating systems are expressly contemplated by the invention, and could be used to practice the invention.

In Figure 1, the overview of the system is shown. The system server, including web server 1 and database server 2, permits users to access the services over the Internet 3 from any user computer 4 connected to the Internet. This connection may be via modem, DSL, Ethernet or any other connection. The user connects to web server 1 using the web browser of their choice. Examples of such browser programs are Netscape Navigator or Microsoft's Internet Explorer. It can readily be seen that access may also be by dedicated connection or direct dial-in, or any web browser software could be used to access the server in an alternate embodiment. In the present embodiment, it is preferred to use Internet Explorer or Netscape Navigator, which are the two most popular browsers in common use at the present time. Web server 1 is itself connected to database server 2, which performs the storage, query, and lookup functions of the invention. It can readily be seen that a single, more powerful computer could perform the functions of both web server 1 and database server 2, or that more than two computers may be used to perform the functions of the service. Any of user computer 4, web server 1, or database server 2 may also be protected by a firewall or other device without affecting the invention, so long as the system server is accessible by the user

computer. The database may be kept and required lookup functions performed via a variety of common web and database server programming methods. Individual lookup or searches of the database are not described in this description, as they are easily within the scope of one of ordinary skill in the art. The currently preferred embodiment of the invention uses Oracle 8.0 database software and Microsoft's Internet Information Server web server, but any similar server and database software may be used, and custom written software may be used in order to practice the invention. The use of any specific software or lookup table is not meant to limit the scope of the invention, but only as an example of the currently preferred embodiment. It is worth mention that the use of a web server and a database server or their equivalents are well known in the art, and where the specification calls for the database server, the web server, or the system, to perform a function without further description, the actual operation or programming of the system to perform the action or function described is well known in the art, and will be readily apparent to one skilled in the art. In the currently preferred embodiment, the servers used are as described, and the web pages themselves are programmed in HTML. Oracle is used to maintain the database of information, which permits the service's operators or administrators to alter the customer information, carrier information, rate information and other information stored within the database.

Figure 2, shows a flowchart of a possible presentation of the system to the user, in the currently preferred embodiment. The user enters the service by accessing a login page 5 via the user's web browser. On that page, one possible example of which is shown in Figure 3, the user enters the user's access code 23 and PIN 24. If the user is a prospective customer or has no access code, the user is given a promotional tour of the features of the service. If the user is an existing

customer, the user is redirected to the user main menu page. Figure 3 shows one example of a possible login page.

If the user is a customer, the customer will be redirected to the customer main menu 7 instead of the tour. Once on the customer main menu page, which is shown on Figure 4, the user is permitted to follow links in order to rate and schedule shipments 8, view shipment logs 9, view management reports 10, or review invoices 11. Links for each choice are provided on the main menu page. If the PIN 24 entered by the user on the login page indicates that a sub-account is to be used, access will be granted only to the sub-account's information.

As seen in Figure 4, every page which a user may visit may be custom branded with a special logo in the affinity indication portion 24 of the page. This logo will be based on the user's affiliation. For example, if the user is a member of the ABC Association, which the service determines based on the user's master account, the ABC Association's logo or title will be placed in the affinity indication portion 6 of each page during all access. This is true even of the tour, if the tour is the result of access based on a promotional flyer with a user code. The user enters the code, which begins the tour. The tour will be affinity branded based on the code entered. This permits affinity groups to market specifically to their members, with every aspect of the web site branded to their group.

If the user chooses to rate and schedule shipments, the user will be led through a series of pages for rating, scheduling, invoicing, and confirming the shipment. First, the user will be directed to the rate page 8, where the user may rate a shipment or a plurality of shipments. The user will then

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be allowed to schedule any of the shipments, and will be led through the scheduling process for each shipment.

For each shipment, the user will be led through the following process, and may either confirm and send or cancel each shipment:

5 The user will be directed to the Schedule 1 page 12, where the user may enter new shipping information or recall old shipping information in order to schedule the shipment or shipments. If the user enters new information, the system will store the new shipping information for future recall during the Schedule 2 13 phase, as the user is directed to the additional services page at Schedule 3 13, where the user may choose accessorial services for each shipment. After choosing accessorial
10 services, the user will be directed to choose a product description for the shipment on the product description page in the Schedule 5 phase 15. The user may add or re-use product description, and the service will save any new product designations for future use. The user then schedules the pickup, on a scheduling page in the Schedule 6 phase 16. The user may create an invoice to bill the user's customer in the Schedule 6 phase 17, which the user may print out directly from the browser
15 during the Print Invoice phase 18. If the user confirms the shipment on the confirm shipment page 19, the user prints a Bill off Lading (Print BOL 20), the system faxes a Bill of Lading to the shipper if the shipper is different from the user, and the user may begin scheduling the next rated shipment, if any.

20 If the user has completed scheduling or canceling all rated shipments, the user is returned to the Customer Main Menu 7.

I now describe the individual pages of the system, commencing with the scheduling pages. These pages are described in the same order they were discussed, and appear in Figure 2.

Figure 5 shows a web page designed for rating a single shipment or a plurality of shipments. For each shipment the user wishes to have rated, the user may enter the origin zip into an origin zip entry box 30, the destination zip into a destination zip entry box 31, select a class from a class drop down box 32, and enter the total weight in a total weight entry box 33. If the user chooses 'multiple' from drop down box 32, the user will be redirected to the multiple shipment information page (Fig. 5A). Once the user has entered the multiple class information for the shipment, the user will be returned to the rating page shown at Figure 5, which will now show the 'multiple' class for the shipment, and the total of the weight information entered in the multiple shipment information page. Upon entering all of the information and pressing the rate button 34, the system will rate the shipment according to the rating system described below (and shown in Fig. 17), and report the carrier in the carrier column 36 and that carrier's rate in the price column 35, along with the estimated time of transit in the estimated transit column 37. When the user has rated all the shipments desired, up to a maximum of ten in this embodiment, the user may choose which, if any of the shipments, to schedule. The user clicks 'yes' or 'no' in the radio buttons 39 in the arrange pickup column 38. Upon clicking the next button 40, the scheduling process will begin.

For each shipment, the user will follow the scheduling process, as described above, and shown in Figure 2. The first page shown to the user is the address information page, shown in Figure 6. This page permits the user to enter new addresses or access existing addresses in any convenient format. First the user will choose whether the user is the shipper, receiver, or a third party for the

shipment, using radio button 41A. At Figure 6A, the page is shown for the user as shipper. The user will enter or recall address information for the shipper and the recipient of the shipment. In the current preferred embodiment, existing addresses may be accessed through a drop down box associated with company name entry boxes 43 and 44. These entry boxes permit the user to type in a new name, or, if existing companies are stored in the database server 2, to access existing addresses by using the drop down box. If the drop down box is used, the remainder of the information in either shipping address box 41 or receiving address box 42 will be entered automatically by the web server 1 and database server 2. Any format may be used for address information. The currently preferred embodiment suggests a format of Company, Street Address 1 and 2, City, State, Zip, Phone, Fax, Contact Name and Shipper Reference. The database of address information stored in the database server 2 stores the information by user and sub-account, if used, and permits the system to provide address storage to each user and sub-account.

As an additional verification step to reduce shipping errors, the receiving address data such as the zip code is compared against stored data for reconciliation. If the newly inputted information matches previously inputted information, no action is taken by the system. On the other hand, if an inconsistency is detected, such as an incorrect street number or zip code, the user will be prompted to verify that the correct information has been supplied. This may be done by simply having the user re-input the information or displaying the previously entered information so that a comparison may be made. Of course, the system may also prompt the user to select between the stored data and the new user input to make any needed reconciliation. Moreover, the system may also be programed to

allow the user to further edit the information stored by either editing the stored data or using the new user input as further new user input.

The shipment information box **45** permits the user to see information sufficient to indicate which shipment is currently being scheduled. In the currently preferred embodiment, the information presented is the carrier and carrier SCAC, origin and destination zip codes, weight, class, cost, fees, and estimated time of transit. It may readily be seen that the information presented need only be sufficient to identify the shipment, and need not necessarily be the same as that shown in the currently preferred embodiment. If the user is the shipper or the recipient, the user's information will automatically be shown in boxes **41** or **42**, as appropriate. If the user is a third party, the user's address information may be shown in a third box, and the user will choose or enter address information for both boxes **41** and **42**. The next button **46** allows the user to proceed to the accessorial services page and the back button **47** allows the user to return to the rating page.

The accessorial services page is shown as Figure 7. The same information is shown in the shipment information box **45**. The check boxes **50** each correspond to an accessorial service. It can readily be seen that the accessorial services **51** may be any set of accessorial services commonly offered by carriers. Upon the user checking one of the check boxes **50**, the corresponding additional charge **52** will be shown next to the corresponding accessorial service description **51** and, in the currently preferred embodiment, added to the Additional Fees section of shipment information box **45**. The charges are determined by the service's database server **2**, and displayed by the web server **1**. Thus, it is readily seen that the user, at all times, can see the exact price currently offered by the service for the shipment.

It is in this area of accessorial service charges that frequent billing errors occur. Billing errors of this type are so prevalent in the shipping industry, as a result of customer error or error by the shipper in properly inputting the data on the order, that an entire service industry to audit these types of errors has been created. These types of companies compare the invoices to the actual shipping data to determine if over-charges had been made. For example, charging for an accessorial service not provided or ordered. It is estimated that the these types of errors are in the hundreds of millions, if not more, given the size of this industry.

To reduce customer related input errors from occurring, the system may be programmed to require the user to address each accessorial service 51 listed. In operation, each check 50 is sequentially addressed with the user being required to indicate whether or not each accessorial service is required. Once each check box 50 is addressed, the user may then click the next button 48 to proceed to the product description page, or the back page button 49 to return to the address information page. Because of the importance of obtaining accuracy with respect to the accessorial services, the system may be programmed to prevent the user from moving further back or forward through the system until each accessorial service is addressed. In summary, it has been found that billing errors associated with accessorial services may be reduced by requiring a user to accept or decline each service before permitting the transaction to be completed.

In addition, a further benefit may be provided to the user in the form of a list or summary of accessorial services selected and services rejected. This is yet another verification step that has been found to reduce errors. As a further requirement, the system may also be programed to prevent the transaction from being completed until at least one element of the accessorial service list has been

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selected by the user, or that no service has been affirmatively selected by the user. Lastly, the system may also be programed to prevent a transaction from being completed until all listed accessorial services have been addressed by the user.

The product description page is shown at Figure 8. This page allows the user to enter product
5 descriptions for each class of product in the shipment. A product description drop down box 55
permits the user to use already available descriptions, or to store new descriptions in the database.
If the user wishes to use a pre-existing description, the user simply chooses it using the product
description drop down box 55. If the user wants to add a new description, the user simply chooses
'Add a Product' or a similar designation from product description drop down box 55, and types in
10 the new description. The user will then choose an NMFC number to associate with the product, and
enter the NMFC number in NMFC number box 58. If the user uses a pre-existing product
description, the service will automatically use the NMFC number associated with that description
in the database. Class and weight are shown in class display column 56 and weight display column
57. Class and weight are both shown for each portion of the shipment based on the information from
15 the shipment rating page. The user may also check a hazardous materials check box 59 for any
portion of the shipment. The price of the shipment will be automatically recalculated by the service
and displayed in shipment information box 45. The user will also indicate, from a package type drop
down menu 60 the type of package used with each portion of the shipment, and in a number of
packages entry box 61 the number of packages of each type. Once all of these decisions have been
20 made for each portion of the shipment, the user may click on next button 53 to proceed to the
shipment ready page. The user may also click, at any time, on back button 54 to the accessorial

services page. The shipment ready page (Fig. 8A) simply permits the user to indicate, via drop down boxes 54B, 54C, and 54D, the time the shipment will be ready for pickup. Any equivalent method could be used. Next button 53A allows the user to proceed to the third-party invoice page, while back button 54A returns the user to the product description page.

5 The third-party invoice page is shown at Figure 9. This page allows the user to prepare an invoice for a third-party for each shipment scheduled, if desired. If the user wishes to print a third-party invoice, he may do so using invoice radio button 62. Using discount radio button 63 the user determined whether or not to pass on the discounts received from the service to the customer. In third-party address box 64, the customer chooses or enters address information for the third-party
10 to receive the invoice, in the same manner as shown above. As above, the service permits the user to recall old third-party information by accessing the database server 2 via a drop down menu or enter new address information. Once the user has completed any necessary entries on this page, the user may click on next button 66 to proceed. The user may also click, at any time, on back button 67 to return to the shipment ready page.

15 If the user has chosen to print a third party invoice, upon clicking next button 66, the user will be presented with a specimen invoice, which the user may then print. Such a specimen invoice is shown at Figure 10. The user may click on print button 68 to print the invoice, then next button 69 to proceed to the complete shipment page. The user may also click on back button 70 to return to the third-party invoice page.

20 The complete shipment page is shown at Figure 11. This page presents the user with a final opportunity to cancel the shipment. If the user clicks on cancel movement button 71, the user will

cancel the shipment and proceed to scheduling the next shipment or return to the main menu if there are no further shipments to schedule. If the user clicks on ok button 72, the shipment will be ordered, and the user will be presented with a Bill of Lading to review. A sample Bill of Lading page is shown at Figure 12. Any reasonable bill of lading format could be used. In this example, when the user clicks on print button 73, a bill of lading will be printed on the user's printer. The user may print as many copies of the BOL as needed, and then click on the next button 74 in order to proceed. If the user has rated shipments remaining to schedule, the user will be returned to the address information page to schedule the next shipment. If there are no remaining shipments to be scheduled, the user is returned to the main menu page.

There are three options other than rating and scheduling shipments available to the user from the main menu page (Fig. 4). If the user clicks on invoice inquiry button 26, the user will be redirected to the invoice inquiry page (Fig. 13). If the user clicks on shipment logs button 27 the user will be redirected to the tracking shipments page (Fig. 14). If the user clicks on customized reports button 28 the user's browser will be redirected to the customized reports page (Fig. 15).

Each of these pages performs a different function. The invoice inquiry page (Fig. 13) permits the user to review the status of all service invoices. This permits the user to view the current status of their account with the service. Invoices in the currently preferred embodiment are displayed by invoice number, and show the date of the invoice, the due date, the prior balance, payments or credits, and the total due. Any reasonable alternate format could be used to present the data, and the data could be presented in any reasonable tabular format. The scroll bar 75 in this embodiment permits the user to scroll through the available invoices. The data is stored on the database server

2. Upon receipt of payment, the service will update the database server 2 to reflect the payment. This can be performed by a direct database operation, or any software adapted for the purpose of making changes to the database. A separate administrative web page, program, or server are three alternatives available in the present state of the art.

5 The shipment tracking page (Fig. 14) permits the user to review the status of all shipments made by the user. This permits the user to view the current status of their shipments. Shipments in the currently preferred embodiment are initially displayed by the BOL number generated by the service, and the display shows the SCAC of the carrier performing the shipment, the date of the pickup, the date and time of the delivery, and the name of the recipient of the shipment. Any
10 alternate format could be used to present the data, and the data could be presented in any format. The currently preferred embodiment displays the data in a tabular format. The scroll bar 76 in this embodiment permits the user to scroll up and down through the available shipments. In addition, if the user clicks on any of BOL number column heading 77, SCAC column heading 78, status column heading 79, pickup column heading 80, delivered column heading 81, signature column
15 heading 82 or time column heading 83, the database server 2 will sort the shipments by the data contained in the column, and web server 1 will display shipment data in the resulting order. The data is stored on the database server 2. Upon receipt of new information, the service will update the database server 2 to reflect the payment. This can be performed by a direct database operation, or any software adapted for the purpose of making changes to the database. A separate administrative
20 web page, program, or server are three alternatives available in the present state of the art. In addition, the carriers themselves could be given limited access to the database via a customized web

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page to update information for shipments made by each carrier. Print BOL button **84** permits the user to reprint the BOL for a selected shipment by clicking on the shipment's row and then clicking on print BOL button **84**. Print POD button **85** permits the user to print a POD report for a given shipment, again by clicking on the shipment's row and then clicking on print POD button **85**.

5 The customized reports page (Fig. 15) permits the user access to cost reports, tracking reports, and custom reports for an account or sub-account. The user may choose any kind of report to generate or to schedule. If the user clicks on cost report button **86**, **87** or **88**, the user will be given the opportunity to choose a location from the database of all locations shipped to or from. After choosing a location, the report will be printed, or scheduled to be run at a future time. By clicking
10 on cost report button **86**, a report may be generated and may be printed for all shipments not yet invoiced to or from the location chosen. An example of the currently preferred run cost report page is shown at Figure 15A, and a sample cost report is shown at Figure 15B. By clicking on cost report button **86**, the user is redirected to a run cost report page. After filling in the information requested in origin zip box **87A** and destination zip box **87B** as well as date range start box **87C** and date range
15 stop box **87D**, the user may indicate which method the user prefers to receive the report by, fax or email by clicking on radio buttons **87E**. After entering the destination information in box **87F** or **87G**, a report is generated when the submit button **87H** is clicked by the user, and the report is delivered via the method indicated by the user for any invoices in the date ranges chosen by the user for shipments to or from the location chosen. The report may be of any reasonable format, but the
20 currently preferred format is shown in Figure 15B. The reset button **87I** clears all fields. When the user clicks on cost report button **87**, the report may be generated for all shipments already invoiced

to or from the location chosen, using a run report page similar to that shown in Figure 15B. When the user clicks on cost report button 88, either of these reports may be scheduled to be run at a future time and shipped to the user via facsimile or e-mail, using a scheduling report page similar to the one shown in Figure 15B, with the addition of date and time entry boxes to allow scheduling a future report run. The service will fax the report or e-mail the report over the distributed network at the time scheduled, automatically.

Likewise, if the user clicks on tracking report button 89, 90 or 91, the user will be given the opportunity to choose a location from the database of all locations shipped to or from. After choosing a location, the report may be printed, or scheduled to be run at a future time. By clicking on tracking report button 89, a tracking report may be generated and may be printed for all shipments not yet invoiced to or from the location chosen. By clicking on tracking report button 90, a report is generated and may be printed for all shipments already invoiced to or from the location chosen. When the user clicks on tracking report button 91, either of these tracking reports may be scheduled to be run at a future time and shipped to the user via facsimile or e-mail. A sample of a tracking report page is shown at Figure 15C, which operates similarly to the cost report pages described above, again with the addition of date and time entry boxes for future scheduling. An example of a tracking report in the currently preferred embodiment is shown at Figure 15D. Both the tracking reports and the cost reports may be in any reasonable format.

As is shown, it is also possible to permit custom reports to be designed or run, using custom report buttons 92, 93 or 94. These buttons may permit the user to design a custom report based on any of the data stored in the database. These custom reports can then be run just like the tracking

and cost reports, either instantly or on a scheduled basis, with facsimile or e-mail delivery. Additionally, the user could request a special report to be designed, which would then be accessed via these boxes, similarly to the reports described above.

5 The manage sub-accounts page (Fig. 16) may be reached by the user by directing their browser to the enrollment page. The manage sub-accounts page permits the user to create sub-accounts for master account information entered in master account information box. The user enters their access code in access code box 95 and their PIN in PIN box 96. The service will recall and display the user's information in user information box 97. The user may then access the sub-account management functions of the page. These may be presented in any reasonable format. In the
10 currently preferred embodiment, the sub accounts are managed as follows:

By using the sub-account drop down box 102, the user may access and alter already existing sub-accounts. Once the user has selected a sub-account using drop down box 102, the service will permit access the sub-account information, recalling it from the database server 2. Each sub-account may be allowed to rate and schedule, track, or view (depending on the settings of check boxes 100,
15 set by the user) reports for any set of locations in the database accessible by the user's master account. The user selects those locations for desired access and adds them using the add location button 104. The service then modifies the database to reflect the sub-accounts access to the location added. The user may also alter or delete locations from the sub-account using the modify location button 107 and the delete location button 108. By re-entering the PIN for the sub-account in PIN box
20 101 the user may alter the PIN for an individual sub-account. The status of the sub-account may be changed or set using status radio button 99, and set to either subsidiary/affiliate or vendor/non-

affiliate. Once the user is done altering the sub-account, the user presses the save button **105**, and the service updates the database to reflect the changes or additions made by the user. The reset button **106** permits the user to reset the page to a neutral setting. Once the user has finished, the user may redirect their browser to another page.

5 The LTL rating process is described in the flowchart shown in Figure **17**. The LTL rating process is managed by the service. Once the user has input the rating data, the user chooses to rate the service by clicking 'rate', as described above. The database server **2** first runs a query against the database of carriers providing service to the zip codes chosen by the user, or determines the serviceable carriers **109**. The database server **2** then determines the base rate **110** for each carrier,
10 which may be negotiated by the user's affiliation group or by the service. This step is performed for each serviceable carrier as determined above. The database server **2** then applies the appropriate carrier discount **111**, again determined from the database information as appropriate for the user's affiliation group or as negotiated by the service. This step is again performed for each serviceable carrier. If the resulting charge for the carrier is below their minimum charge, the service will apply
15 the minimum charge instead of the calculated charge at the apply minimum charge step **114**. This step is also performed for each serviceable carrier. Finally, the system will apply the markup associated with the user or the user's affiliation group for each serviceable carrier at the apply markup step **115**. The resulting carriers and rates will then be displayed to the user by the web server in the form of a drop down box, as shown above.

20 It will be apparent to those of ordinary skill in the art that many changes and modifications could be made while remaining within the scope of the invention. It is intended to cover all such

equivalent methods or systems, and to limit the invention only as specifically delineated in the following claims.

It is readily apparent that the claimed invention may be embodied in a number of manners. Though the disclosed embodiment, and the currently preferred embodiment, is a series of web pages run on a web server 1 and a database server 2, the invention could be a network-based program run over a distributed system, a set of web pages run on a single server or distributed server, or any other alternative which may be immediately apparent to one skilled in the art, and that advances in distributed networks may make possible embodiments which are not presently available without making substantial changes to the invention.

The above description is not intended to limit the meaning of the words used in the following claims that define the invention. Rather, it is contemplated that future modifications in structure, function or result will exist that are not substantial changes and that all such insubstantial changes in what is claimed are intended to be covered by the claims.

What is claimed is:

1. A computer based system for reducing errors in freight services and billing comprising:
 - a) a server computer;
 - b) a distributed network connected to the server computer;
 - 5 c) a user computer connected to the distributed network which can interact with the server computer; and
 - d) a database on the server computer containing accessorial service information;
 - e) programs or software for displaying accessorial services and requiring the user to address accessorial services offered and to select those accessorial services desired.
- 10 2. The system of claim 1 wherein each accessorial service must be addressed individually.
3. The system of claim 2 wherein the user is not permitted to complete the transaction until each service has been addressed.
4. The system of claim 1 wherein after completion of the selection a summary of
15 services selected is presented to the user.
5. The system of claim 1 wherein after completion of the selection a summary of services selected and services rejected is presented.
6. The system of claim 1 wherein the accessorial services are presented as a list.

7. The system of claim 6 wherein the user is not permitted to complete the transaction until at least one element of the list has been selected by the user, or no service has been affirmatively selected by the user.

8. A computer based system for reducing errors in freight services and billing
5 comprising:

- a) a server computer;
- b) a distributed network connected to the server computer;
- c) a user computer connected to the distributed network which can interact with

the server computer; and

10 d) a database on the server computer containing stored data comprising previously input user information;

e) programs or software for reconciling new user input information with said stored data to reduce errors.

9. The system of claim 8 wherein the user is prompted to re-input information if an
15 inconsistency is found between the new user input and said stored data.

10. The system of claim 8 wherein input zip code information is used to reconcile the new user input with said stored data.

11. The system of claim 8 wherein the user is prompted to select between the stored data and the new user input.

20 12. The system of claim 8 wherein the user is provided an opportunity to select either the stored data or the new user input.

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13. The system of claim 8 wherein the user is provided an opportunity to select either stored data or the new user input to edit as a further new user input.

14. The system of claim 13 wherein said further new user input is reconciled against the stored data.

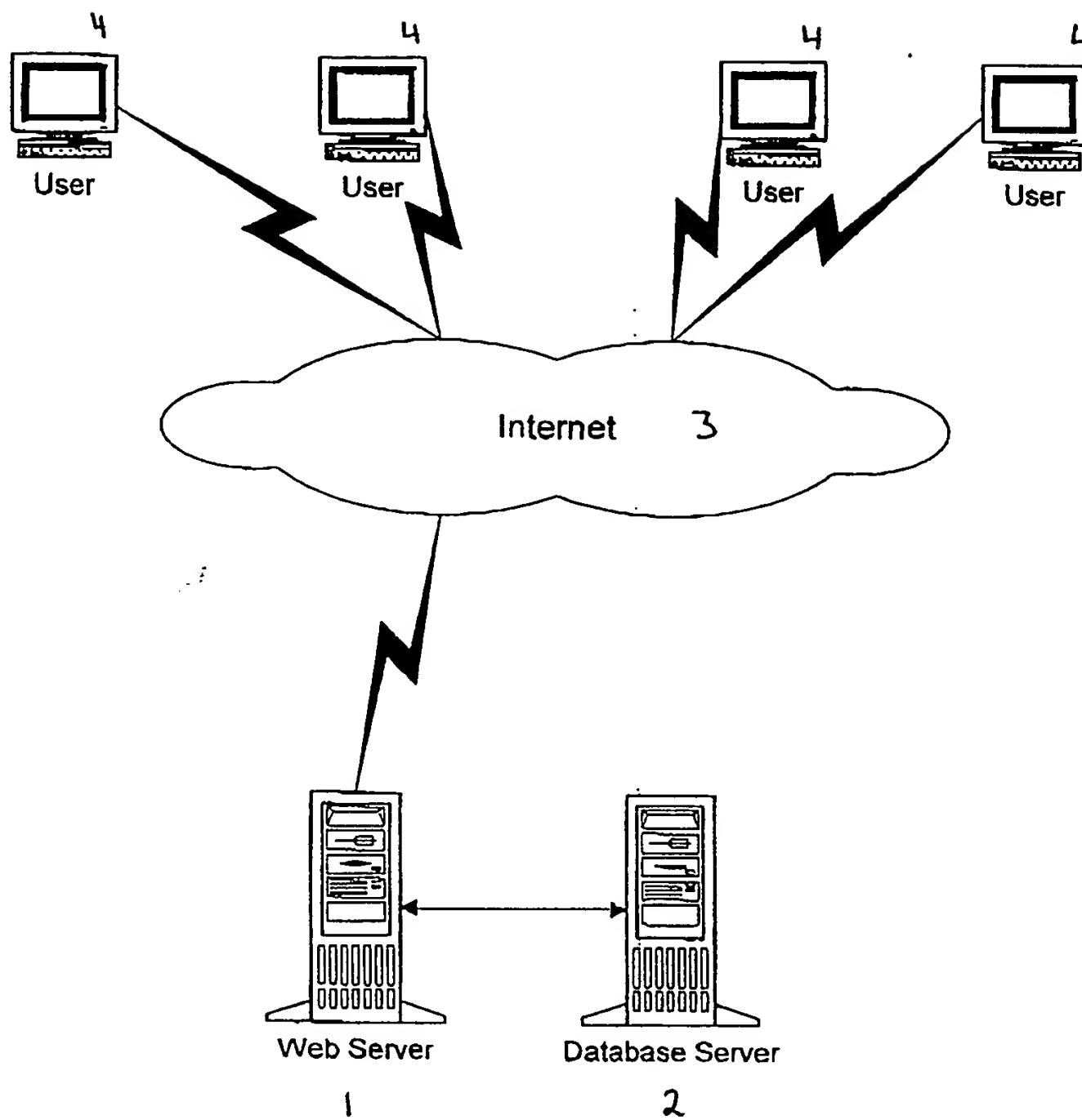


FIGURE 1

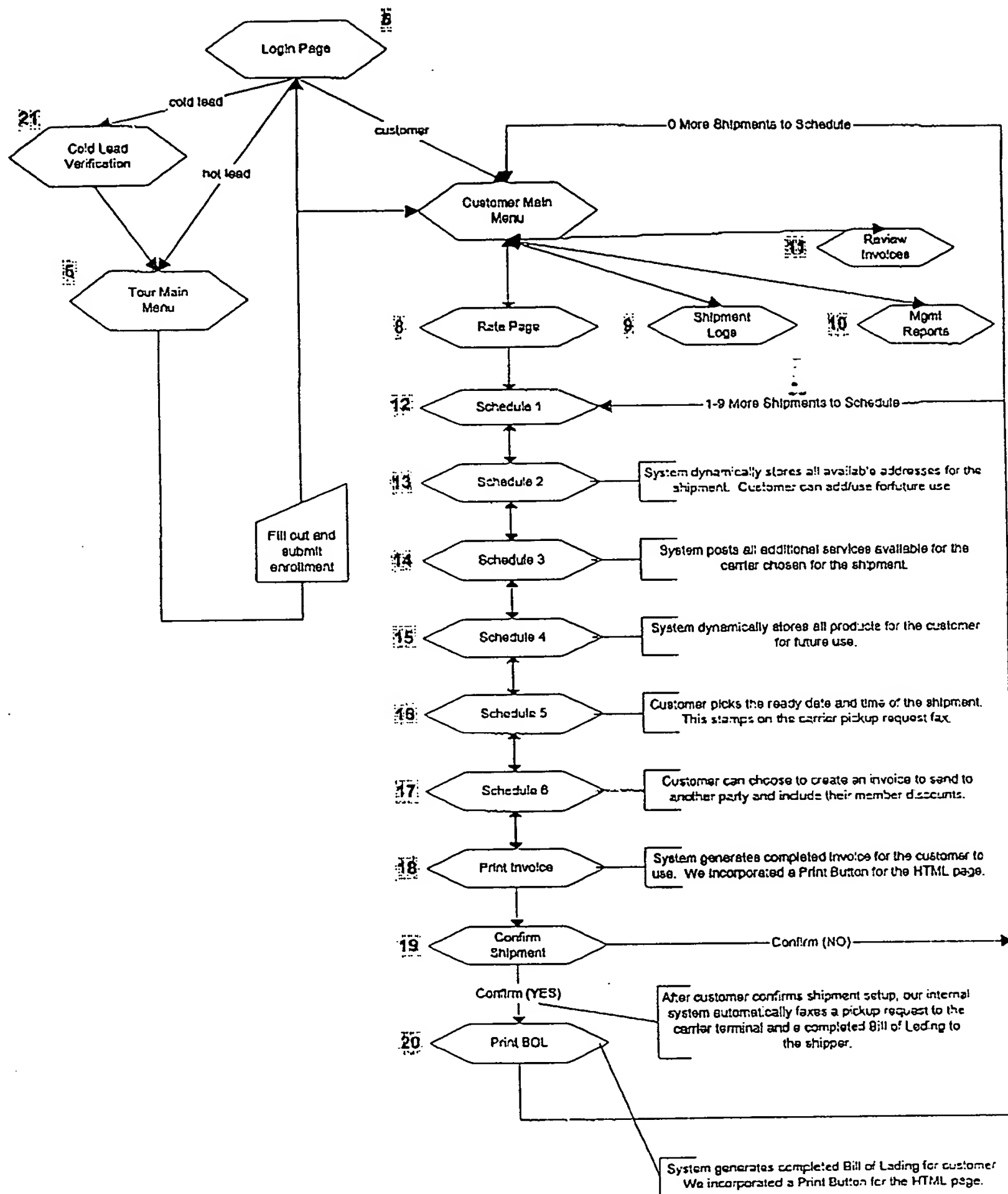


FIGURE 2

Access Code: 22

PIN: 23

FIGURE 3

Association Member Benefits 24

ABC Company
585 Main Street
Anytown, KS 66202

29

(Click a menu item)

LTL Rate & Schedule Pickup 25

Invoice Inquiry 26

Shipment Logs 27

Customized Reports 28

FIGURE 4

Association Member Benefits

24

Rate Your LTL Shipments

	Origin Zip	Dest. Zip	Class	Total Wt.	35 Member Price	36 Carrier SCAC	37 Est. Transit (days)	38 Arrange pickup	
1.	66202	55125	70	1251	\$185.03	CFWY	1	<input checked="" type="radio"/> Yes <input type="radio"/> No	39
2.	94544	66202	50	5230	\$713.18	CFWY	3	<input checked="" type="radio"/> Yes <input type="radio"/> No	
3.	94544	85024	70	3212	\$431.64	CRNT	1	<input type="radio"/> Yes <input checked="" type="radio"/> No	
4.	33124	64111	Multiple	810	\$165.86	ODFL	2	<input checked="" type="radio"/> Yes <input type="radio"/> No	
5.					Rate			<input type="radio"/> Yes <input type="radio"/> No	
6.					34			<input type="radio"/> Yes <input type="radio"/> No	
7.								<input type="radio"/> Yes <input type="radio"/> No	
8.								<input type="radio"/> Yes <input type="radio"/> No	
9.								<input type="radio"/> Yes <input type="radio"/> No	
10.								<input type="radio"/> Yes <input type="radio"/> No	
	30	31	32	33					

When you have completed rating all of your shipments and selected the shipments for pickup arrangement, click here.

Next >>

40

Figure 5

3111 Shipments Microsoft Internet Explorer provided by Freightquote.COM

Association Member Benefits 24

Enter Multiple Shipment Information

Origin Zip	Dest. Zip	Class	Wt. (lbs)
2.	68202	55125	50 100
		60 100	
		0 0	
		0 0	
		0 0	
		0 0	

Enter classes and weights of each type of product being shipped for this movement.

Continue

FIGURE 5A

45

Shipment 1 of 3

Carrier SCAC: ODFL
Origin Zip: 66202
Destination Zip: 55125
Total Weight: 1252
Class: 100
Your Freight Cost: \$368.67
Additional Fees: \$.00
Total Cost: \$368.67
Est. Transit (days): 1
Carrier Name:
Old Dominion Freight Line

Cancel this shipment

24

Association Member Benefits

Schedule Your LTL Shipments

1

You are the

☒ Shipper of this shipment.
☐ Receiver
☐ 3rd Party

41 A

Shipping Address

Company:
Street Address 1:
Street Address 2:
City, ST, Zip:
Phone: Fax:
Contact Name:

43

41

Receiving Address

Company:
Street Address 1:
Street Address 2:
City, ST, Zip:
Phone: Fax:
Contact Name:

44

42

Figure 6

45

Shipment 1 of 3

Carrier SCAC: ODFL
Origin Zip: 66202
Destination Zip: 55125
Total Weight: 1252
Class: 100
Your Freight Cost: \$368.67
Additional Fees: \$.00
Total Cost: \$368.67
Est. Transit (days): 1
Carrier Name:
Old Dominion Freight Line

BACK
47

NEXT
46

24

Association Member Benefits

Schedule Your LTL Shipments

2 Choose/Create receiving address information. Click Add, if you wish to add a new address. If your address is incorrect, please press the Help Button or call freightquote at 1-888-595-5664.

Shipping Address

Bill To Sender

Company: ABC Company 43

Street Address 1: 585 Main Street

Street Address 2:

City, ST, Zip: Anytown KS 66202

Phone: 913 555 8535 Fax: 913 555 9000

Contact Name: John Smith Shipper Ref: 27 41

Receiving Address

Company: Williams Distribution 44

Street Address 1: 6000 N. Kentucky Avenue

Street Address 2: (loading dock)

City, ST, Zip: Saint Paul MN 55125

Phone: 512 555 8000 Fax: 512 555 8500

Contact Name: Ted Jackson Receiver Ref: 42

FIGURE 6A

Association Member Benefits

Schedule Your LTL Shipments

Shipment 1 of 1

Carrier SCAC: ODFL
 Origin Zip: 66202
 Destination Zip: 55125
 Total Weight: 1252
 Class: 100
 Your Freight Cost: \$368.67
 Additional Fees: \$17.50
 Total Cost: \$386.17
 Est. Transit (days): 1
 Carrier Name:
 Old Dominion Freight Line

3 Choose all accessorial services required for this shipment. Extra charges may apply. An audit of this shipment must be done by freightquote that may change the amount posted to you.

- ☒ Arrival Notification \$17.50
- ☐ Construction Site
- ☐ Inside Delivery
- ☐ Liftgate Service
- ☐ Reconsignment
- ☐ Redelivery
- ☐ Residential Deleivery
- ☐ Residential Pickup
- ☐ Saturday Delivery

BACK

NEXT

49

48

↑
50

FIGURE 7

Association Member Benefits

Schedule Your LTL Shipments

Shipment 1 of 3

Carrier SCAC: ODFL
Origin Zip: 66202
Destination Zip: 55125
Total Weight: 1252
Class: 100
Your Freight Cost: \$368.67
Additional Fees: \$.00
Total Cost: \$368.67
Est. Transit (days): 1
Carrier Name:
Old Dominion Freight Line

4 Choose or Create Product Description for each product being shipped for this movement. A NMFC# is required for each product. Choose (Add a Product) from the Product Description drop down box if you wish enter new product information.

	Product Description	Class	Weight	NMFC#	HZMT	PKG Type	# of PKGs
1.	Steel Poles	100	1252	12345-02	57	Pallet	2
	55	56	57	58	59	Pallet	61
						Crate	
						Box	
						Roll	

60

BACK NEXT

54

53

FIGURE 8

Association Member Benefits

24

Schedule Your LTL Shipments

45

Shipment 1 of 3

Carrier SCAC: ODFL
Origin Zip: 66202
Destination Zip: 55125
Total Weight: 1252
Class: 100
Your Freight Cost: \$368.67
Additional Fees: \$.00
Total Cost: \$368.67
Est. Transit (days): 1
Carrier Name:
Old Dominion Freight Line

BACK

54A

NEXT

53A

- 5 Identify when your shipment is ready for pickup from the carrier
Please allow the carrier 48 hours after the shipment ready date
and time to pick-up.

Schedule your pickup within
the next 2 business days.

Ready Date

Monday, March 15, 1999

Ready Time

After 8:00 AM

Before 5:00 PM

Please allow the carriers a 4 hour
window to pickup within.

Shipping Address

Company: ABC Company
Street Address 1: 565 Main Street
Street Address 2:
City, ST, Zip: Anytown KS 66202
Phone: 9135555555 Fax: 9135555100
Contact Name: John Smith Shipper Ref:

Receiving Address

Company: X-Trade Distribution
Street Address 1: 4000 N. Kentucky Avenue
Street Address 2: (Loading dock)
City, ST, Zip: Eastaur MI 55125
Phone: 5125555000 Fax: 5125555000
Contact Name: Ted Jackson Receiver Ref:

FIGURE 8A

24

Schedule Your LTL Shipments

45

Old Dominion Freight Line

6 Will you be invoicing another party for this shipment after you are billed from freightquote? If yes, this system can create your freight invoice. You can either include or exclude your member discounts to your customer. Please complete A, B and C.

62

64

Your Reference # ABC1232

65

67

66

FIGURE 9

Print your customer's Invoice copy by clicking the Print Invoice button.

Print Invoice

68

INVOICE**TO:**

Williams Companies
500 E. 152nd Street
New York, NY 21212

FROM:

ABC Company
585 Main Street

Anytown, KS 66202

Ph: 9135558585
Fax: 9135559000

Invoice Summary**BOL#:** 10014**Invoice Amount:** \$349.47**Carrier:** Old Dominion Freight Line**Invoice Date:** 3/18/99

Review the invoice. If invoice changes are needed, click Back to go back and make corrections.

BACK**NEXT**

If the invoice is correct, print the invoice using the print button and click Next.

70

69

FIGURE 10

Association Member Benefits 24

Press OK to complete this shipment and print Bill of Lading (BOL).

1. If you are not the sender, please notify them regarding this movement and fax a copy of the completed Bill of Lading to the sender. The sender must use our generated Bill of Lading (BOL) in order for you to receive accurate pricing and shipment processing.
2. The carrier will pick up your freight within 48 hours of the scheduled Ready Date and Time. You do not need to contact the carrier for pickup.
3. We will invoice you at the end of the month for this movement. If any freight information changes for this movement, additional freight charges or fees may be added to this movement's cost after shipment auditing (1-4 weeks).

OK

Cancel Movement

72

71

Figure 11

Use button below to print three copies of this Bill of Lading. Your driver must use this Bill of Lading to insure accurate shipment processing.

BOL#: 10006**PRO#:** _____**Shipper Information**

Shipper Name: ABC Company
Street Addr1: 585 Main Street
Street Addr2: N/A
City, ST, Zip: Anytown, KS 66202

Phone: 9135558585

Ref: N/A

Contact: John Smith

PO#: N/A

Receiver Information

Receiver Name: Williams Distribution
Street Addr1: 6000 N. Kentucky Avenue
Street Addr2: (loading dock)
City, ST, Zip: saint paul, MN 55125

Bill Third Party To:

FREIGHTQUOTE, LLC
10100 SANTA FE DR.
SUITE 100
OVERLAND PARK, KS 66212

Bill Charges To:

PREPAID / BILL THIRD PARTY
ONLY


Special Instructions:

Don't forget to print
3 copies of the BOL
(2 to the driver)

1. Print Bill of Lading (BOL) by clicking here
2. Give two copies to the driver. Keep one for your records.
3. Thank you for using freightquote.com.
Click here to continue

 **Print BOL**

73

 **NEXT**

74

FIGURE 12

Association Member Benefits 24

Inv#	Inv Date	Due Date	Prior Bal	New Charges	Payments/Crdts	Total Due
123456	2/28/1999	3/20/1999	0	252.12	0	252.12
145678	3/31/1999	4/20/1999	252.12	558.15	252.12	558.15
156789	4/30/1999	5/20/1999	558.15	1020.60	500.00	1079.62*
178922	5/31/1999	6/20/1999	1079.62	1150.50	1079.62	1150.50
165678	6/30/1999	7/20/1999	252.12	558.15	252.12	558.15
176789	7/31/1999	8/20/1999	1079.62	1150.50	1079.62	1150.50

* Includes a 1.5% finance charge added to unpaid prior balance

FIGURE 13

Association Member Benefits 24

Click on the column you wish to arrange your shipments by. Highlight the desired shipment and click Print BOL (Bill of Lading), or Print POD (Proof of Delivery).

77	78	79	80	81	82	83
BOL Number	SCAC	Status	Picked UP	Delivered	Signed By	Time
1234567800001	AMER	PENDING	4/03/1999			
1234567800002	ODFL	PENDING	4/04/1999			
1234567800003	CFWY	IN TRANSIT	4/02/1999			
1234567800004	CFWY	IN TRANSIT	4/02/1999			
1234567800005	AMER	DELIVERED	3/15/1999	3/17/1999	J SMITH	13:45
1234567800006	DAFG	DELIVERED	3/02/1999	3/05/1999	R JOHNSON	13:45

Print BOL

84

Print POD

85

FIGURE 14

Click on the report you wish to run. Autorun Reports are highlighted in Blue (you will automatically receive these reports).

Shipments To Be Invoiced

Cost Report:
To/From
Specified
Locations

86

Tracking
Report:
Shipment
Transit Status

89

CREATE
CUSTOM
REPORT

92

Shipments Already Invoiced

Cost Report:
To/From
Specified
Locations

87

Tracking
Report:
Shipment
Transit Status

90

CREATE
CUSTOM
REPORT

93

Create Autorun Reports

Cost Report:
To/From
Specified
Locations

88

Tracking
Report:
Shipment
Transit Status

91

CREATE
CUSTOM
REPORT

94

FIGURE 15

Run Cost Report

Report 1: Zip Code Range

	<u>Origin</u>	87A	<u>Destination</u>	87B
Locations		66212	to	ALL
	<u>Start</u>		<u>Stop</u>	
Date Range		1/1/1999	to	1/31/1999
		87C		87D
87E	<input checked="" type="radio"/> Email	to	jsmith@abc-company.net	
				87F
	<input type="radio"/> Fax	to		
				87G
	Submit		Reset	
	87H		87I	

Figure 15A

Report Name: **Billing Summary**

Report Date: 3-May-99

from: **1-Jan-99** to **31-Jan-99**

Report on: Master Account
ABC Company
123 South Main Street
Overland Park, KS 66212

Report to: Master Account
ABC Company
123 South Main Street
Overland Park, KS 66212

	<u>BOL#</u>	<u>Ship Date</u>	<u>Delivered</u>	<u>Weight</u>	<u>Cost</u>
1	100001	1/1/99	1/4/99	120	\$68.50
2	100002	1/1/99	1/4/99	100	\$85.23
3	100003	1/1/99	1/4/99	656	\$122.20
4	100004	1/5/99	1/8/99	230	\$51.12
5	100005	1/5/99	1/8/99	58	\$40.00
6	100006	1/10/99	1/14/99	502	\$98.90
7	100007	1/10/99	1/14/99	650	\$225.25
8	100008	1/10/99	1/15/99	250	\$100.20
9	100009	1/11/99	1/15/99	120	\$68.50
10	100010	1/15/99	1/19/99	50	\$60.20
11	100011	1/15/99	1/23/99	220	\$122.20
12	100012	1/23/99	1/25/99	262	\$51.90
13	100013	1/23/99	1/26/99	120	\$64.50
14	100014	1/23/99	1/26/99	85	\$85.82
15	100015	1/23/99	1/29/99	1252	\$321.01
16					
17					
18					
19					
20					

Total Page 1: \$1,565.53

Overall Total: \$1,565.53 Average: \$104.37

FIGURE 15B

Run Tracking Report

Report 1: Zip Code Range

	<u>Origin</u>		<u>Destination</u>
Locations	66212	to	55125
	<u>Start</u>		<u>Stop</u>
Date Range	1/5/1999	to	1/31/1999

☒ Email to

☐ Fax to

FIGURE 15C

Report Name: Transit Summary

Report Date: 6-May-99

from: 1-Jan-99 to 31-Jan-99

Report on: Affiliate Account
ABC Company
555 Williamsburg Ave
Dayton, OH 55125

Report to: Master Account
ABC Company
123 South Main Street
Overland Park, KS 66212

	<u>BOL#</u>	<u>Ship Date</u>	<u>Delivered</u>	<u>Weight</u>	<u>Transit Days</u>
1	100001	1/1/99	1/4/99	120	1
2	100002	1/1/99	1/4/99	100	1
3	100003	1/1/99	1/4/99	656	3
4	100004	1/5/99	1/8/99	230	3
5	100005	1/5/99	1/8/99	58	3
6	100006	1/10/99	1/14/99	502	3
7	100007	1/10/99	1/14/99	650	4
8	100008	1/10/99	1/15/99	250	5
9	100009	1/11/99	1/15/99	120	4
10	100010	1/15/99	1/19/99	50	2
11	100011	1/15/99	1/23/99	220	6
12	100012	1/23/99	1/25/99	262	1
13	100013	1/23/99	1/26/99	120	2
14	100014	1/23/99	1/26/99	85	2
15	100015	1/23/99	1/29/99	1252	5
16					
17					
18					
19					
20					

Avg. Transit: 3

FIGURE 150

Master Account

Access Code: 2B94450 95 PIN #: 2264 96
Acct. Contact: ROBERT JONES
Company Name: ABC COMPANY
Street Address 1: 8990 WILLIAMSBURG AVENUE
Street Address 2: SUITE 230
City, ST Zip: OVERLAND PARK KS 66211 97

Sub-Accounts

☒ Show All Locations ☐ Show Only Subsidiary/Affiliate ☐ Show Only Vendor/Non-Affiliate 98

105 Save 106 Reset

Add Location 104

Choose One

99 ☒ Subsidiary/Affiliate
☐ Vendor/Non-Affiliate

Access Rights

100 98 ☒ Rating (not recommended for vendor/non-affiliate)
☒ Tracking (for this location only)
☐ Reports (historical shipment info, for this location only)

PIN #: 89903 101

Sub-Account #: 008 102

Company Name: ABC COMPANY 103

Street Address 1: 555 SOUTH MAIN STREET

Street Address 2: (LOADING DOCK)

City, ST Zip: ST. PAUL MN 55125

Shipping Contact: JERRY SMITH

Phone: 512 555 5660

Modify This Location 107

Fax: 512 555 5670

Delete This Location 108

Figure 16

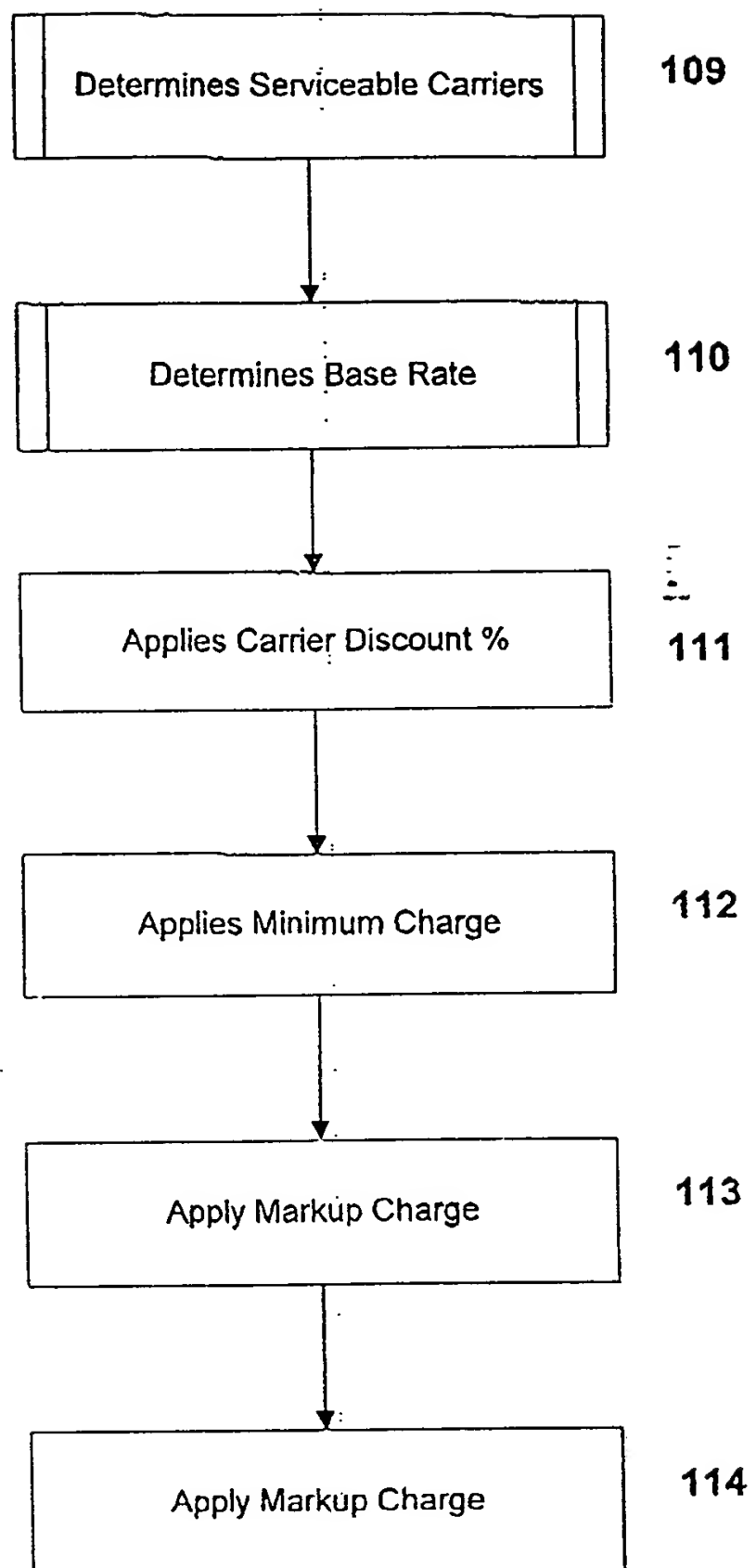


FIGURE 17

Interview Summary

AUG 14 2006

Application No.

09/557,822

Applicant(s)

BARTON, TIMOTHY A

Examiner

Marc E. Norman

Art Unit

3744

All participants (applicant, applicant's representative, PTO personnel):

(1) Marc Norman.

(3) William Flachsbart.

(2) Arthur Gasey.

(4) Timothy Barton.

Date of Interview: 12 October 2005.

Type: a) ☐ Telephonic b) ☐ Video Conference
c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
If Yes, brief description: _____.

Claim(s) discussed: 22 and 25.

Identification of prior art discussed: FedEx, Viking Freight, De La Motte.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

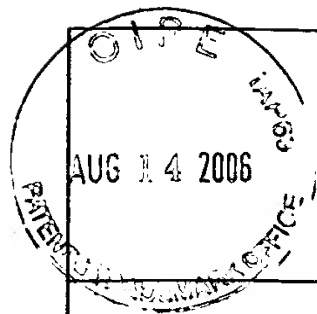
- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: With regard to claim 22, Applicant argued that the plural quote system freight system of the claim distinguished over the goods based system of De La Motte. The Examiner said that he believed that such an application would have been an obvious modification. With regard to claim 25, agreement was reached with regard to language to add to the claim that would overcome the applied prior art. In particular, by actively utilizing the accepted/declined accessorial information within the freight ordering system to provide an accurate quote, the claim is distinguished over general web-based applications of forcing a user to accept/decline information. .



Interview Summary

Application No.	Applicant(s)	
09/557,822	BARTON, TIMOTHY A.	
Examiner	Art Unit	
Marc E. Norman	3744	

All participants (applicant, applicant's representative, PTO personnel):

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(3) William Flachsbart.

(2) Arthur Gasey.

(4) Timothy Barton.

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Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

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Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiner's Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

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